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1994

Illinois Register

Rules of Governmental Agencies

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Secretary of State

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1994

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 21, 1993	Dec. 28, 1993	1	Jan. 7, 1994	June 28, 1994	July 5, 1994	28	July 15, 1994
Dec. 28, 1993	Jan. 4, 1994	2	Jan. 14, 1994	July 5, 1994	July 12, 1994	29	July 22, 1994
Jan. 4, 1994	Jan. 11, 1994	3	Jan. 21, 1994	July 12, 1994	July 19, 1994	30	July 29, 1994
Jan. 11, 1994	Jan. 18, 1994	4	Jan. 28, 1994	July 19, 1994	July 26, 1994	31	Aug. 5, 1994
Jan. 18, 1994	Jan. 25, 1994	5	Feb. 4, 1994	July 26, 1994	Aug. 2, 1994	32	Aug. 12, 1994
Jan. 25, 1994	Feb. 1, 1994	6 (Mon.)	Feb. 14, 1994	Aug. 2, 1994	Aug. 9, 1994	33	Aug. 19, 1994
Feb. 1, 1994	Feb. 8, 1994	7	Feb. 18, 1994	Aug. 9, 1994	Aug. 16, 1994	34	Aug. 26, 1994
Feb. 8, 1994	Feb. 15, 1994	8	Feb. 25, 1994	Aug. 16, 1994	Aug. 23, 1994	35	Sept. 2, 1994
Feb. 15, 1994	Feb. 22, 1994	9	Mar. 4, 1994	Aug. 23, 1994	Aug. 30, 1994	36	Sept. 9, 1994
Feb. 22, 1994	Mar. 1, 1994	10	Mar. 11, 1994	Aug. 30, 1994	Sept. 6, 1994	37	Sept. 16, 1994
Mar. 1, 1994	Mar. 8, 1994	11	Mar. 18, 1994	Sept. 6, 1994	Sept. 13, 1994	38	Sept. 23, 1994
Mar. 8, 1994	Mar. 15, 1994	12	Mar. 25, 1994	Sept. 13, 1994	Sept. 20, 1994	39	Sept. 30, 1994
Mar. 15, 1994	Mar. 22, 1994	13	Apr. 1, 1994	Sept. 20, 1994	Sept. 27, 1994	40	Oct. 7, 1994
Mar. 22, 1994	Mar. 29, 1994	14	Apr. 8, 1994	Sept. 27, 1994	Oct. 4, 1994	41	Oct. 14, 1994
Mar. 29, 1994	Apr. 5, 1994	15	Apr. 15, 1994	Oct. 4, 1994	Oct. 11, 1994	42	Oct. 21, 1994
Apr. 5, 1994	Apr. 12, 1994	16	Apr. 22, 1994	Oct. 11, 1994	Oct. 18, 1994	43	Oct. 28, 1994
Apr. 12, 1994	Apr. 19, 1994	17	Apr. 29, 1994	Oct. 18, 1994	Oct. 25, 1994	44	Nov. 4, 1994
Apr. 19, 1994	Apr. 26, 1994	18	May 6, 1994	Oct. 25, 1994	Nov. 1, 1994	45	Nov. 14, 1994 (Mon.)
Apr. 26, 1994	May 3, 1994	19	May 13, 1994	Nov. 1, 1994	Nov. 7, 1994 (Mon.)	46	Nov. 18, 1994
May 3, 1994	May 10, 1994	20	May 20, 1994	Nov. 7, 1994	Nov. 15, 1994	47	Nov. 28, 1994 (Mon.)
May 10, 1994	May 17, 1994	21	May 27, 1994	Nov. 15, 1994	Nov. 22, 1994	48	Dec. 2, 1994
May 17, 1994	May 24, 1994	22	June 3, 1994	Nov. 22, 1994	Nov. 29, 1994	49	Dec. 9, 1994
May 24, 1994	May 31, 1994	23	June 10, 1994	Nov. 29, 1994	Dec. 6, 1994	50	Dec. 16, 1994
May 31, 1994	June 7, 1994	24	June 17, 1994	Dec. 6, 1994	Dec. 13, 1994	51	Dec. 23, 1994
June 7, 1994	June 14, 1994	25	June 24, 1994	Dec. 13, 1994	Dec. 20, 1994	52	Dec. 30, 1994
June 14, 1994	June 21, 1994	26	July 1, 1994	Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995
June 21, 1994	June 28, 1994	27	July 8, 1994	Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Possession of Specimens or Products of Endangered or Threatened Species

- 2) CODE CITATION: 17 Ill. Adm. Code 1070

- 3) SECTION NUMBERS: PROPOSED ACTION:

1070.80 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, pars. 334 and 341(c)) [520 ILCS 10/4 and 10/11].

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These amendments are being made to prevent enforcement and procedural problems caused by the submittal of endangered species permit applications by persons charged with or found guilty of violations of the Endangered Species Protection Act.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER C: ENDANGERED SPECIES

PART 1070

POSSESSION OF SPECIMENS OR PRODUCTS OF
ENDANGERED OR THREATENED SPECIES

Section
1070.10 Definitions
1070.20 Permit Requirements
1070.30 Permit Provisions
1070.40 Limited Permit Provisions
1070.50 Reporting Requirements
1070.60 Facilities and Welfare Standards (Animal)
1070.70 Facilities Standards (Plant)
1070.80 Revocation

AUTHORITY: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, pars. 334 and 341(c)) [520 ILCS 10/4 and 10/11].

SOURCE: Adopted 13 Ill. Reg. 14934, effective September 6, 1989; amended at 14 Ill. Reg. 18264, effective October 29, 1990; amended at 15 Ill. Reg. 13341, effective September 3, 1991; amended at 17 Ill. Reg. 18799, effective October 19, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 1070.80 Revocation

- a) Permits, limited permits, and permits for propagation shall be revoked by the Department for the following reasons:

- 1) The Department finds that the permit holder has obtained the permit on the basis of false information or is not complying with the terms or conditions of the permit.

- 2) Reports outlined in Section 1070.50 are not submitted by the stated deadline, are incomplete, or contain false information; provided, however, that prior to such revocation the permittee shall be given notice and opportunity to comply with the reporting requirements. Failure to comply with the reporting requirements within sixty (60) days from receipt of such notice shall result in revocation of the permit.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

3) Failure to comply with any facilities standards or animal welfare standards established by this Part; provided, however, that prior to such revocation the permittee shall be given notice and opportunity to comply with those standards. Failure to comply with facility or animal welfare standards within sixty (60) days from receipt of such notice shall result in revocation of the permit.

4) Violation of State or Federal laws.

b) Any person whose permit has been revoked shall not be eligible to apply for a new permit in his own name or in any other name for a period of one (1) year from the effective date of the revocation.

c) Any person who has been or is an officer, agent or employee of a permittee whose permit has been revoked and who was responsible for or participated in the violation upon which the revocation was based shall not receive a permit within the period during which the revocation is in effect.

d) The procedure by which revocations are made, the rights of permittees to notice and hearing, and the procedures governing such hearing are set forth in 17 Ill. Adm. Code 2530.

e) Any person who has been charged with a violation of any provision of the Illinois Endangered Species Protection Act shall not be eligible to apply for a permit pursuant to this Part in his own name or in any other name until such time that such charges have been resolved.

f) Any person who has been convicted of a violation of any provision of the Illinois Endangered Species Protection Act shall not be eligible to apply for a permit pursuant to this Part in his own name or in any other name for a period of up to five (5) years from the date of the conviction.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

1) Heading of the Part: Licensing of Industrial Hygienists

2) Code Citation: 35 Ill. Adm. Code 184

3) Section Numbers: Proposed Action:

184.100	New Section
184.101	New Section
184.102	New Section
184.103	New Section
184.104	New Section
184.105	New Section
184.106	New Section
184.200	New Section
184.201	New Section
184.202	New Section
184.203	New Section
184.204	New Section
184.205	New Section
184.206	New Section
184.207	New Section
184.300	New Section
184.301	New Section
184.302	New Section
184.400	New Section
184.401	New Section
184.402	New Section
184.403	New Section
184.500	New Section
184.501	New Section
184.502	New Section
184.503	New Section
184.504	New Section
184.505	New Section
184.506	New Section

4) Statutory Authority: Implementing and authorized by the Industrial Hygiene Licensing Act, 225 ILCS 52/1-52/199.

5) A complete Description of the Subjects and Issues Involved: The Industrial Hygiene Licensing Act ("Act") creates a voluntary "title protection" licensing program for industrial hygienists, and establishes the Illinois Environmental Protection Agency ("Agency") as the administering agency. An Industrial Hygiene Licensing Board composed of practicing industrial hygienists and a public representative is also established by the Act and is to serve as an advisory body to the Agency. Industrial hygienists who do not become licensed

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NOTICE OF PROPOSED RULES

under this program will not be precluded from practicing in Illinois, but will be unable to represent themselves as "Licensed Industrial Hygienists".

These proposed rules contain a definition of the practice of industrial hygiene and specific application requirements and fees for initial licensing and license renewal. The fees were authorized by the Act to create a self-supporting licensing program.

Procedures for the sanctioning, where appropriate, of applicants for licensure and Licensed Industrial Hygienists are also specified in these proposed rules. Sanctions may include denial of a license, refusal to renew a license and suspension and revocation of a license. Procedures are specified for hearings before the Agency whenever any sanction may potentially be imposed, and review of final administrative decisions of the Agency may be had before the Circuit Court for Sangamon County.

6) Will these proposed rules replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act, 30 ILCS 805/3(b).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on these proposed rules may submit them in writing by no later than 45 days after publication of this notice to:

John P. Waligore
Division of Legal Counsel
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

ENVIRONMENTAL PROTECTION AGENCY

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- 12) Initial Regulatory Flexibility Analysis: No Initial Regulatory Flexibility Analysis is required because these proposed rules do not affect "small business", as that term is defined in Section 1-75 of the Illinois Administrative Procedure Act, 5 ILCS 100/1-75. These proposed rules create a completely voluntary program and specifically exclude corporations from becoming Licensed Industrial Hygienists.

The full text of the Proposed Rules begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE A: GENERAL PROVISIONS
 CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 184:
 LICENSING OF INDUSTRIAL HYGIENISTS

SUBPART A: GENERAL

Section	Purpose
184.100	Applicability
184.101	Definitions
184.102	Disclaimer
184.103	Severability
184.104	Industrial Hygiene Examining Board
184.105	Address for Submittals to Agency
184.106	

SUBPART B: REQUIREMENTS FOR LICENSE

184.200	Application Requirements
184.201	Felony Convictions of Applicants
184.202	Agency-Approved Programs
184.203	Agency-Approved Institutions
184.204	Agency-Authorized Examination
184.205	Examination Review and Administration
184.206	Professional Experience Requirements
184.207	Application Statement

SUBPART C:
 LICENSE VALIDITY AND RENEWAL

184.300	Validity of License
184.301	License Renewal
184.302	Inactive Status

SUBPART D: FEES

184.400	Application/Renewal Fee
184.401	Record Fee
184.402	Other Fees
184.403	Nonrefundability of Fees

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SUBPART E:
 DENIAL, REFUSAL TO RENEW, SUSPENSION AND REVOCATION OF LICENSES

184.500	Investigation
184.501	Notice
184.502	Procedure
184.503	Grounds for Denial, Refusal to Renew, Suspension and Revocation
184.504	Sanctions
184.505	Appeal
184.506	Record Required

AUTHORITY: Implementing and authorized by the Industrial Hygiene Licensing Act, 225 ILCS 52/1-52/199.

SOURCE: Adopted at ___ Ill. Reg. ___, effective ____.

Italics denote statutory language.

SUBPART A: GENERAL

Section 184.100 Purpose

This Part sets forth the procedures to be used by the Illinois Environmental Protection Agency in administering a system for the licensing and sanctioning, where necessary, of industrial hygienists, as defined in Section 184.102 of this Subpart.

Section 184.101 Applicability

The rules of this Part shall be applicable to the licensing of all industrial hygienists who seek to represent themselves as Illinois Licensed Industrial Hygienists.

Section 184.102 Definitions

As used in this Part, the following terms shall have the meanings set forth below:

"Act" means the Illinois Industrial Hygiene Licensing Act, 225 ILCS 52/1-52/199.

"Agency" means the Illinois Environmental Protection Agency. (Section 10 of the Act, 225 ILCS 52/10)

"American Board of Industrial Hygiene (ABIH)" means the Pennsylvania non-profit corporation which certifies industrial hygienists in the United States of America.

ENVIRONMENTAL PROTECTION AGENCY

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"Board" means the Industrial Hygiene Examining Board. (Section 10 of the Act, 225 ILCS 52/10)

"Certified Industrial Hygienist [CIH]" means an individual who has been granted a certificate as a Certified Industrial Hygienist by the American Board of Industrial Hygiene, and whose certificate has not been suspended or revoked for cause. (Section 225 ILCS 52/10).

"Director" means the Director of the Illinois Environmental Protection Agency.

"Fund" means the Industrial Hygienists Regulatory and Enforcement Fund created by Section 30 of the Industrial Hygiene Licensing Act, 225 ILCS 52/30.

"IEPA-OCS" means the Illinois Environmental Protection Agency office which has primary responsibility for managing the industrial hygienists licensing program.

"Industrial hygiene" means providing services in which the sciences are applied with the aid of quantitative measurement techniques in the control of physical, chemical, and biological factors that cause illness, injury, impaired health, or inefficiency among employees and the public. (Section 10 of the Act, 225 ILCS 52/10).

"Industrial hygiene profession" means the providing of services by a Licensed Industrial Hygienist in which the mathematical and natural sciences are applied with quantitative measurement techniques in the anticipation, recognition, evaluation, and control of physical, chemical, and biological stresses that cause or may cause illness, injury, impaired health and well-being, or significant discomfort and inefficiency among workers and the public. (Section 10 of the Act, 225 ILCS 52/10).

"Industrial Hygienist-in-[T]raining" means an individual who has been granted a certificate as an Industrial Hygienist-in-[T]raining by the American Board of Industrial Hygiene. (Section 10 of the Act, 225 ILCS 52/10).

"Licensed Industrial Hygienist (LIH)" means an individual who has satisfied all the requirements of the Industrial Hygienist Licensure Act and these rules, who has been granted a license by the Agency, and whose license has not expired or been suspended or revoked.

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"Person" means any natural person, and shall not include any corporation, trust or other non-natural entity.

"Professional experience" means the practice, research, teaching, or administration of industrial hygiene activities. Teaching or research as a student is not considered professional experience.

Section 184.103 Disclaimer

The Agency and the State of Illinois do not endorse or guarantee the quality of work or conduct by an applicant who has been licensed.

Section 184.104 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence, or clause thereof not judged invalid.

Section 184.105 Industrial Hygiene Examining Board

- a) The Director shall appoint an Industrial Hygiene Examining Board consisting of 5 persons who shall serve in an advisory capacity to the Director. The Board shall be composed of 4 [C]ertified or Licensed Industrial Hygienists, one of whom shall serve as the chairperson, and one member of the public who is not regulated under the Act or a similar Act and who represents consumer interests.
- b) Members shall be Illinois residents and shall serve for a term of 4 years and until their successors are appointed and qualified, except for the initial appointments. Of the initial appointments one member shall be appointed for one year, one shall be appointed to serve 2 years, one shall be appointed to serve 3 years, and 2 shall be appointed to serve for 4 years, and until their successors are appointed and qualified. No member shall be reappointed if that reappointment would cause that person's service on the Board to be longer than 8 successive years. Appointments to fill vacancies for the unexpired portion of a vacated term shall be made in the same manner as original appointments. Initial terms shall begin 30 days after the effective date of the Act.

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- c) *The Director may terminate the appointment of any member for cause.*
- d) *The Director shall consider the recommendation of the Board on all matters and questions relating to the Act and these rules.*
- e) *The Board is charged with the duties and responsibilities of recommending to the Director the adoption of all policies, procedures, and rules which may be required or deemed advisable in order to perform the duties and functions conferred on the Board, the Director, and the [Agency] to carry out the provisions of the Act. (Section 35 of the Act, 225 ILCS 52/35).*

Section 184.106 Address for Submittals to Agency

All materials submitted to the Agency by applicants and Licensed Industrial Hygienists pursuant to this Part shall be addressed to:

Illinois EPA
Office of Chemical Safety
Health & Safety Unit
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

SUBPART B: REQUIREMENTS FOR LICENSE

Section 184.200 Application Requirements

- a) The Industrial Hygienist License Application form shall be available from the Agency by mailing a written request to IEPA-OCS with a self-addressed stamped envelope.
- b) Any person who seeks a license as a Licensed Industrial Hygienist shall submit a complete application to the Agency in which the applicant provides all of the following:
- 1) A statement that the applicant has not been convicted of a felony in the State of Illinois, any other state, or in any Federal Court; or, if the applicant has been convicted of a felony, the

ENVIRONMENTAL PROTECTION AGENCY

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felony convictions are adequately described, as required in Section 184.201 of this Subpart;

- 2) Verification of experience from immediate supervisors for each industrial hygiene employment period claimed toward meeting the professional experience requirements specified in subsection (b)(3) below. When the applicant had no supervisor, the applicant shall submit verifications from clients; at least one verification from a client shall be provided for each year of experience claimed. Each verification shall be provided on the Agency Professional Experience Verification form.
- 3) Official transcripts shall be required for coursework claimed for credit and shall be submitted directly to the Agency by the college or university. The verifications required by subsection (b)(2), above, and transcripts shall demonstrate that the applicant has either:
 - A) A bachelors degree in a physical or biological science or industrial hygiene from an undergraduate program approved by the Agency and at least 5 years of professional experience (Section 25 of the Act, 225 ILCS 52/25); or
 - B) A masters degree in industrial hygiene from a graduate program approved by the Agency and at least 4 years of professional experience (Section 25 of the Act, 225 ILCS 52/25); or
 - C) A doctorate degree in industrial hygiene from a graduate program approved by the Agency and at least 3 years of professional experience. (Section 25 of the Act, 225 ILCS 52/25).
- 4) A copy of the ABIH notification stating that the applicant has passed the examination(s) required for qualification as a Certified Industrial Hygienist, or a copy of the Certified Industrial Hygienist certificate granted by ABIH.

ENVIRONMENTAL PROTECTION AGENCY

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- 5) The required fee payable to the Fund, as provided in Section 184.400 of this Part.
- c) Applicants who did not register with the Agency by November 18, 1993, shall not be licensed before July 1, 1994.
- d) Any applicant may be required to submit supplementary information in the event that an incomplete application is received by the Agency, or the Agency determines that any information provided in an application requires clarification.
- e) No applicant may apply for licensure prior to having passed the examination authorized by the Agency.

Section 184.201 Felony Convictions of Applicants

Any applicant who has been convicted of a felony in the State of Illinois, any other State, or any Federal Court, shall, along with the application, provide a written description of the felony charge for which the applicant was convicted, how long ago the conviction occurred, the jurisdiction in which the applicant was convicted, the number of the case in which the conviction was entered, and any mitigating factors which the applicant believes are relevant to the consideration of the Agency.

Section 184.202 Agency-Approved Programs

- a) Any applicant who has completed a bachelors degree at an Agency-approved institution (as provided in Section 184.203 of this Subpart) in chemistry, physics, chemical engineering, mechanical engineering, sanitary engineering, environmental engineering, biology, or industrial hygiene shall have completed an Agency-approved undergraduate program. The Agency may accept other bachelors degrees provided the degree program included at least 60 semester credit hours in courses in physical or biological science, mathematics, engineering, and technology, with at least 15 of those hours at the junior, senior, or graduate level. An applicant who has a bachelors degree in a discipline not specifically mentioned in this subsection may be eligible to apply for a license on the basis of additional academic coursework from an Agency-approved institution or by completion of an Agency-approved graduate program.

ENVIRONMENTAL PROTECTION AGENCY

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- b) Any applicant who has completed a masters or doctorate degree at an Agency-approved institution (as provided in Section 184.203 of this Subpart) in the field of industrial hygiene shall have completed an Agency-approved graduate program.

Section 184.203 Agency-Approved Institutions

Any institution of post-secondary education granting degrees shall be considered to be an Agency-approved institution provided that it is accredited by the Council on Post Secondary Accreditation or any successor organization, or the institution may be considered on the basis of its accreditation status in the education system which has jurisdiction.

Section 184.204 Agency-Authorized Examination

The examination authorized by the Agency for the purpose of application for licensure shall be the examination(s) required by the ABIH for qualification as a Certified Industrial Hygienist.

Section 184.205 Examination Review and Administration

- a) The Agency shall review ABIH examination subjects at least annually to evaluate their continuing appropriateness for the licensing of industrial hygienists.
- b) The Agency-authorized examination shall be administered by the ABIH, which shall be the designated testing service for purposes of Section 30 (2) of the Act, 225 ILCS 52/30(2).

Section 184.206 Professional Experience Requirements

Applicants for licensure shall have achieved the years of professional experience required by Section 184.200 of this Subpart by having spent more than 50% of their total work time (more than 20 hours per week) in professional activities related to industrial hygiene during each year claimed for credit.

Section 184.207 Application Statement

Any person submitting an application pursuant to this Part shall make the following statement:

I certify that the information submitted in this application is, to the best of my knowledge and belief,

ENVIRONMENTAL PROTECTION AGENCY

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true, accurate and complete. I am aware that any license granted to me by the Illinois Environmental Protection Agency may be subject to suspension or revocation if any information submitted in this application is determined to be false or misleading.

SUBPART C: LICENSE VALIDITY AND RENEWAL

Section 184.300 Validity of License

Any license or renewal license issued under this Part shall be valid for a period of 2 years, with the expiration date being 2 years from the day the license was issued, except as specified in Subsection 184.301(c) of this Subpart.

Section 184.301 License Renewal

a) The Industrial Hygienist License Application form shall be used for renewal applications and shall be available from the Agency by submitting a written request to IEPA-OCS with a self-addressed stamped envelope.

b) Any person who seeks renewal of an unexpired license issued under this Part shall, no later than 30 days before the expiration of the currently effective license, submit a complete application to the Agency, in which the applicant must provide all of the following:

- 1) A statement that the applicant has not had a license issued under this Part suspended or revoked;
- 2) A statement that the applicant has not been convicted of any felony not previously reported to the Agency on an application or renewal form; and
- 3) The required fee payable to the Fund, as provided in Section 184.400 of this Part.

c) A license shall remain valid for 90 days beyond its expiration date if a complete renewal application and the fee required pursuant to Section 184.400 of this Part is submitted no later than 30 days before the expiration date.

d) Any person who seeks renewal of an expired license shall submit a complete renewal application to the

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Agency as provided in subsection b, above, along with the renewal fee specified by subsection 184.400(c) of this Part.

- e) Any applicant who has entered inactive status in accordance with Section 184.302 of this Subpart may remove himself or herself from inactive status and seek renewal of his or her license under subsection (a) and (b) of this Section irrespective of whether his or her license has expired during the period of inactive status.

Section 184.302 Inactive Status

Any person with a valid unexpired license issued under this Part may enter inactive status by notifying IEPA-OCS in writing by certified mail, provided that the person is not the subject of a pending investigation or proceeding pursuant to Subpart E of this Part. During the period of inactive status, the person shall not use the title Licensed Industrial Hygienist. A person on inactive status may return to active status by either;

- a) Notifying IEPA-OCS by certified mail of the return to active status if the expiration date has not passed for the license that was valid at the time inactive status was elected, or
- b) Submitting a complete renewal application to the Agency, as provided in subsection 184.301(b) of this Subpart, except that the fee required for a resumption of active status and renewal shall be \$50.

SUBPART D: FEES

Section 184.400 Application Renewal Fees

- a) All fees payable under this Part shall be made payable to the Industrial Hygienists Regulatory and Enforcement Fund.

b) As provided in Section 50 of the Act, 225 ILCS 52/50 all persons required to be licensed when the Act was approved on August 20, 1993, were to have registered with the Agency and submitted a registration fee of \$100 by November 18, 1993. Persons who registered by November 18, 1993, shall be sent an Industrial Hygienist License Application form by the Agency. After January 1, 1994, the Agency will begin issuing

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licenses to qualified, registered applicants who have satisfied all the requirements of Section 184.200 of this Part. Persons submitting applications who did not register by November 18, 1993, shall not be issued licenses before July 1, 1994.

- c) The application fee for an initial license or for renewal of an expired license shall be \$200, except that the application fee for applicants who registered by November 18, 1993, shall be \$100 for their initial term of licensure. The application fee includes the issuance of a wallet license certificate.
- d) The fee for the renewal of an unexpired license shall be \$50, provided that the application for renewal is submitted no less than 30 days before the expiration date of the license. Any application for renewal submitted before the expiration date of the applicant's license, but less than 30 days before the expiration date, shall be subject to an additional \$50 fee.

Section 184.401 Record Fee

Applicants and Licensed Industrial Hygienists who wish to pursue judicial review of a final administrative decision of the Agency under Subpart E of this Part shall send the Agency a written request for a certified copy of the record identifying the final administrative decision of the Agency of which the applicant or Licensed Industrial Hygienist is seeking review. Written requests for copies of records shall be sent to IEPA-OCS. Following receipt of the written request, the Agency shall notify the applicant or Licensed Industrial Hygienist of the number of pages of the relevant record. The applicant or Licensed Industrial Hygienist shall then submit a record fee of 20 cents for each page of the record to the Agency.

Section 184.402 Other Fees

- a) Any Licensed Industrial Hygienist who wishes to obtain a wall certificate shall send a written request to IEPA-OCS, along with a \$15 fee for each certificate requested.
- b) Any Licensed Industrial Hygienist who wishes to obtain a duplicate license certificate, replacement license certificate, or new license certificate reflecting a legally-recognized name change shall send a written request to IEPA-OCS specifying whether a duplicate or

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replacement certificate or certificate reflecting a legally-recognized name change is desired. If an additional certificate is requested by a Licensed Industrial Hygienist, the fee shall be \$15 each.

- c) Any person wishing to obtain a roster of current, suspended and revoked licenses, or a roster of expired and inactive licenses shall send a written request to IEPA-OCS along with a \$15 fee for each roster requested.

Section 184.403 Nonrefundability of Fees

All fees received by the Agency from applicants or Licensed Industrial Hygienists under this Part shall be non-refundable.

SUBPART E:

DENTAL, REFUSAL TO RENEW, SUSPENSION, AND REVOCATION OF LICENSES

Section 184.500 Investigation

The Agency may refuse to issue, refuse to renew, or seek the suspension or revocation of any license issued under the Act and this Part. The Agency may, upon its own motion or upon the written complaint of any person setting forth charges which, if proven, would constitute grounds for refusal to issue or renew, suspension or revocation as provided by Section 184.503 of this Subpart, investigate the actions of any person applying for or holding a license.

Section 184.501 Notice

The Agency, prior to denying, refusing to renew, suspending or revoking a license, shall notify the applicant or Licensed Industrial Hygienist in writing of the intent of the Agency to deny, refuse to renew, suspend or revoke a license, and the nature of any charges made by any third party against the applicant or Licensed Industrial Hygienist, and shall afford the applicant or Licensed Industrial Hygienist an opportunity to be heard in person or by counsel. The Agency shall also notify the Board of the issuance of a notification of intent to refuse to renew, suspend or revoke a license.

Section 184.502 Procedure

When the Agency has given notice of its intent to deny, refuse to renew, suspend or revoke any license, and of any charges made by any third party against an applicant or Licensed Industrial

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Hygienist, the procedures set forth at 35 Ill. Adm. Code 168, PROCEDURES FOR CONTESTED CASE HEARINGS, shall apply to the conduct of any Agency hearings and the making of final administrative decisions.

Section 184.503 Grounds for Denial, Refusal to Renew, Suspension and Revocation

- a) The Agency may deny, refuse to renew, suspend or revoke any license for any one or any combination of the following causes:

- 1) The practice of any fraud or deceit in obtaining or attempting to obtain a license;
- 2) Negligence or misconduct in the practice of industrial hygiene which endangered the health or safety of the public or an employee, or the environment;
- 3) Repeated violations of federal, state or local laws, regulations, standards, or ordinances regarding health and safety;
- 4) Conviction in Illinois or another State of any crime which is a felony under the laws of Illinois or that other State or conviction of a felony in a Federal court;
- 5) Being declared to be a person under a legal disability by a court of competent jurisdiction; or
- 6) Revocation or suspension of Certified Industrial Hygienist status by the ABIH for cause.

- b) The Agency may issue, renew or refuse to suspend or revoke a license notwithstanding the applicability of any of the factors set forth in subsection a, above, if mitigating factors exist such that a license should be issued. Mitigating factors may include, but shall not be limited to, the following:

- 1) The severity of the misconduct;
- 2) How recently the misconduct took place; and

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- 3) The degree of control exerted over worker and public health and safety at a site by the applicant or Licensed Industrial Hygienist at the time any misconduct described in subsection a, above, was committed.

- c) Relative to all original and renewal applications and in all hearings before the Agency conducted under this Part, a person seeking licensure shall have the burden of demonstrating that he or she is entitled to the license.

Section 184.504 Sanctions

- a) If a license is suspended, it shall be considered invalid for a period of time not less than 30 days, but no more than one year, as determined by the Agency. If a license expires during suspension, the suspended industrial hygienist may not reapply for license until the suspension period has elapsed. At the end of the suspension period, the suspended license, if not expired, shall be considered valid.
- b) If a license is revoked it shall be considered void. If a license is revoked, the former Licensed Industrial Hygienist may not reapply for a license for a period of not less than six months but not more than three years, as determined by the Agency. If an applicant seeks to obtain a license after the revocation period has elapsed, the applicant must comply with all requirements of Subparts B and D of this Part as if originally applying for a license.

Section 184.505 Appeal

Within 35 days after receipt of a written notice of denial, refusal to renew, suspension or revocation from the Director, the applicant, suspended industrial hygienist, or former Licensed Industrial Hygienist may appeal the sanction to the Circuit Court of Sangamon County. The revocation or suspension of a license shall be stayed pending a final decision on an appeal. All judicial review conducted pursuant to this Part shall be in accordance with the Administrative Review Act, 735 ILCS 5/3-101-5/3-112, and rules promulgated thereunder.

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Section 184.506 Record Required

No applicant or Licensed Industrial Hygienist may seek judicial review of a final administrative decision of the Agency under this Part unless that applicant or Licensed Industrial Hygienist has obtained a certified copy of the Agency record, paid the Agency the record fee required by Section 184.401 of this Part and filed the certified copy with the Circuit Court for Sangamon County.

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1) The Heading of the Part: Storage, Transportation, Sale and Use of Liquefied Petroleum Gases.

2) Code Section: 41 Ill. Adm. Code 200

<u>Section Number:</u>	<u>Proposed Action</u>
200.5	Amendment
200.10	Amendment
200.20	Amendment
200.30	Amendment
200.40	Amendment
200.60	Amendment
200.70	Amendment
200.100	Amendment
200.120	Repealed
200.160	Repealed
200.170	Repealed
200.180	Repealed
200.200	Repealed
200.230	Repealed
200.240	Repealed
200.250	Repealed
200.260	Repealed
200.270	Repealed
200.280	Repealed
200.290	Repealed
200.300	Repealed
200.310	Repealed
200.320	Repealed
200.330	Repealed
200.340	Amendment

4) Statutory Authority: Authorized by and implementing Section 3 of "An act to Regulate the Storage, Transportation, Sale and "Use of Liquefied Petroleum Gases" (220 ILCS 15/3, Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5603).

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- 5) A Complete Description of the Subjects and Issues Involved: These amendments are necessary to bring the rules into compliance with more recent standards that are already being used by the industry.
- 6) Will the proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other amendments pending on this part? No.
- 10) Statement of Statewide Policy Objective (if applicable).
- 11) Time, Place and Manner in which interested parties may comment on this proposed rulemaking:

The Office will accept written comments for a period of 45 days after the date of this publication. The written comments should be directed to:

John J. Pavlou, General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259

12) Initial Regulatory Flexibility Analysis:

- A) Date the rule submitted to the Small Business Office of the Department of Commerce and Community Affairs:
November 23, 1993
- B) Types of Small Businesses and Municipalities Affected:
Suppliers and users of Propane Gas.

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- C) Reporting, bookkeeping or other procedure required for compliance: New requirements for training of persons supplying LP gas will require records of training.
- D) Types of Professional Skills necessary for Compliance: No new skills are believed necessary for compliance over and above those already established.

The full text of the Amendments begins on the next page.

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TITLE 41: FIRE PROTECTION

CHAPTER I: STATE FIRE MARSHAL

PART 200

STORAGE, TRANSPORTATION, SALE, AND USE
OF LIQUIFIED PETROLEUM GASES

Section	
200.5	Introduction
200.10	Storage and Handling of Liquefied Petroleum Gases
200.20	Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
200.30	Rules For Installation of Gas Appliances And Gas Piping
200.40	Storage and Handling of Liquefied Petroleum Gas at Marine and Pipeline Terminals, etc.
200.50	Installations Must Be In Compliance
200.60	Submittal Of Plans
200.70	Applications, Plans and Blueprints Must Be Filed in Triplicate
200.80	-- What Applications and Drawings Must Show
200.90	Operation of Installation Prohibited Until Final Inspection and Approval
200.100	No Supplier Shall Service Any Installation Not In Compliance With Law
200.110	Personnel Must be Properly Trained
200.120	No Self Service Permitted
200.160	Interstate Commerce Commission or Department of Transportation Containers (Repealed)
200.170	Cylinder System Installations (Bottled Gas) (Repealed)
200.180	Minimum Safety Requirements for Manifolding American Society of Mechanical Engineers Containers (Repealed)
200.190	Location of Containers (Repealed)
200.200	Abandoned Tanks
200.210	Marking of Tank Trucks and Trailers (Repealed)
	Lighting Requirements on Trucks and Trailers (Repealed)

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200.230	Drivers of Trucks and Trailers Must Be Properly Trained (Repealed)
200.240	When Tank Truck May Not Be Left Unattended (Repealed)
200.250	Tank Trucks and Tractors Must Be In Good Repair (Repealed)
200.260	Parking In Congested Areas Prohibited (Repealed)
200.270	Travel In Heavy Traffic Districts To Be Avoided (Repealed)
200.280	Gear Shift Requirements for Loaded Tank Trucks (Repealed)
200.290	Semi-Trailers Loading and Unloading (Repealed)
200.300	Fire Extinguisher Requirements (Repealed)
200.310	Excess Flow Valves Not To Be Tapered With (Repealed)
200.320	When Transportation and Sale Prohibited (Repealed)
200.330	Containers To Be Transported In Upright Position (Repealed)
200.340	Fireworks Prohibited
200.350	Additional Safety Measures Authorized

AUTHORITY: Authorized by and implementing Section 3 of "An act to Regulate the Storage, Transportation, Sale and "Use of Liquefied Petroleum Gases" (220 ILCS 15/3, Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5603).

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 5 Ill. Reg. 10697; amended at 8 Ill. Reg. 2467, effective June 1, 1984, Amended at ____ Ill. Reg. ____, effective ____.

Section 200.5 Introduction

Pursuant to the authority conferred upon the Office of the State Fire Marshal by Section 3 of An Act to regulate the storage, transportation, sale and use of liquefied petroleum gases, approved July 11, 1955, (220 ILCS 15/3, Ill. Rev. Stat. 1979 1991, ch. 96 1/2, par. 5603) the following rules and regulations in relation to the storage, transportation, sale and use of liquefied petroleum gases are hereby adopted.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

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Section 200.10 Storage and Handling of Liquefied Petroleum Gases

Standards for the Storage and Handling of Liquefied Petroleum Gases, as contained in the 1983 1992 Edition of Standard NFPA No. 58 by the National Fire Protection Association are mandatory.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

Section 200.20 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants

Standards for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants as published in the 1979 1992 Edition of Standard NFPA No. 59 by the National Fire Protection Association are mandatory.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

Section 200.30 Rules For Installation of Gas Appliances And Gas Piping

Standards for the Installation of Gas Appliances and Gas Piping as in the 1980 1992 Edition of Standard NFPA No. 54 by the National Fire Protection Association (National Fuel Gas Code) are mandatory. Standard for Recreational Vehicles as published in the 1977 1990 Edition of Standard NFPA No. 501c by the National Fire Protection Association are mandatory.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

Section 200.40 Storage and Handling of Liquefied Petroleum Gas at Marine and Pipeline Terminals, etc

Standards for Storage and Handling of Liquefied Petroleum Gas at Marine and Pipeline Terminals, Natural Gas Processing Plants, Refineries, and Tank Farms petrochemical plants published in shall comply with the 1970 1989 Edition of Standard API 2510 by the American Petroleum Institute (Design

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and Construction of LP-Gas Installation). ~~at Marine and Pipeline Terminals, Natural Gas Processing Plants, Refineries, and Tank Farms).~~

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

Section 200.60 Submittal Of Plans

Plans and applications for fixed installations shall be submitted to the OSFM before construction when utilizing storage containers of over 2,000 gallons individual water capacity or when the aggregate water capacity exceeds 4,000 gallons and of container filling plants regardless of tank capacity.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

Section 200.70 Applications, Plans and Blueprints Must Be Filed in Triplicate -- What Applications and Drawings Must Show

Applications for approval of installations shall be made out in triplicate on blanks furnished by the Office of the State Fire Marshal (OSFM) and shall be accompanied by drawings or blueprints in triplicate made to scale. These applications, drawings, or blueprints must be approved by the OSFM before any new construction, addition or remodeling is undertaken, ~~except in cities or villages where regulatory ordinances on the subject are in force or may hereafter be adopted.~~ Approval will be granted if all requirements as specified in Part 200 are met. Drawings or blueprints shall bear the name of the person, firm or corporation proposing the installation, the location with reference to city, village or incorporated town, and shall in addition thereto show the following:

- a) The plot of ground to be utilized and its immediate surroundings on all sides, the complete layout of the tanks, the capacity of each tank, the type of tank supports, type of construction of each building and all clearances as required by NFPA Standard No. 58 (see 41 Ill. Adm. Code 200.10).
- b) The location with respect to city, village or incorporated town, and shall name adjacent railroads and side tracks and shall

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show the clearance between tanks and closest passenger train tracks, between tracks at the point where the tank car will be placed for unloading and the nearest passenger train tracks, and between unloading docks and closest passenger train tracks.

c) Whether or not the surrounding area is congested or heavily populated.

d) Fencing and enclosures.

1) At fixed installations utilizing storage containers of over 2,000 gallons individual water capacity or when the aggregate water capacity exceeds 4,000 gallons and at locations where containers are filled, the facilities shall be protected against tampering ~~enclosed with a protective fence~~, as specified in NFPA 58 (1983 see 41 Ill. Adm. Code 200.10) ~~Section 3-3.6.1-a~~. Facilities existing on January 1, 1984 shall comply with these rules or prior rules. Where these facilities are located at an establishment completely enclosed by fencing equivalent to that hereinafter set forth, an additional enclosure for facilities within the establishment shall not be required, except that such container facilities shall be enclosed or encircled by a guard rail, or by posts six (6) inches or more in diameter set in firm ground to a depth of at least twenty-four (24) inches and rising aboveground to a height of thirty (30) inches or more set at intervals of not more than six (6) feet.

2) Building walls of buildings that are part of the establishment and are so located together with adjacent fencing to enclose the facilities shall be acceptable as a portion of any necessary fencing. There shall be no gap or opening between the building wall and the adjacent fencing. Such building walls may be used as a part of such enclosure only when the same does not contain any direct means of ingress or egress from the street or other portions of the building to the storage area to be enclosed.

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e) That lights conforming to NFPA 58 (1983 see 41 Ill. Adm. Code 200.10) 3-3.7 will be provided to illuminate storage containers, control valves and other equipment, if loading or unloading are normally done during other than daylight

f) Container Filling.

1) That the container filling plant and motor fuel dispensing facilities will conform to the following:

A) The container filling or motor fuel dispensing shall be located not less than:

- i) 10 ft. from bulk storage containers.
- ii) 10 ft. from pumps and compressors.
- iii) 25 ft. from line of adjoining property which may be built upon based on existing zoning. However, the distance may be reduced to 10 feet where permitted in NFPA 58 (see 41 Ill. Adm. Code 200.10).

B) The pumps and compressors may be located in the container filling room or separate buildings located not less than:

- i) 10 ft. from bulk storage tanks.
- ii) 25 ft. from line of adjoining property which may be built upon. iii) 25 ft. from sources of ignition based on existing zoning. However, the distance may be reduced to 10 feet where permitted in NFPA 58 (see 41 Ill. Adm. Code 200.10).

2) Where a part of the container filling building is to be used for a boiler room, or where open flames or similar sources of ignition exist or are employed, the space to be so occupied shall be separated from container charging room by a partition wall or walls of fire resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls and ceiling or roof in a manner to effect a permanent gas tight joint.

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- g) That all piping, tubing and fittings will be in compliance with the appropriate standards for the intended use as specified in 41 Ill. Adm. Code Section 200.10, 41 Ill. Adm. Code Section 200.20 and 41 Ill. Adm. Code Section 200.30.

(Source: Amended at ___ Ill. Reg. ___, effective _____.)

Section 200.100 Personnel Must be Properly Trained

Personnel performing installation, service, operation and maintenance work must be properly trained in such work. Effective July 1, 1994, all employees shall carry written certification of their job qualifications issued by a training agent identifying the functions each person is authorized to perform.

(Source: Amended at ___ Ill. Reg. ___, effective _____.)

Section 200.120 Interstate Commerce Commission or Department of Transportation Containers (Repealed)

- a) Containers may be stored in the open provided they are stored within a suitable fence enclosure to prevent tampering.
- b) Containers in storage shall have valves closed even though they may be empty.
- e) Containers which require valve protecting caps, even though empty, shall have such caps in place, hand tight while in storage.
- d) Valves and safety devices on all containers shall be protected against accumulations of ice and snow. Protective caps shall be deemed adequate.

(Source: Repealed at ___ Ill. Reg. ___, effective _____.)

Section 200.160 Cylinder System Installations (Bottled Gas) (Repealed)

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Containers shall be set upon firm foundation or otherwise firmly secured; the possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting. Regulators and low pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls or otherwise rigidly secured and shall be so installed or protected that the elements (sleet, snow or ice) will not affect their operation.

(Source: Repealed at ___ Ill. Reg. ___, effective _____.)

Section 200.170 Minimum Safety Requirements for Manifolding American Society of Mechanical Engineers Containers (Repealed)

Where multiple American Society of Mechanical Engineers container installations are joined into a single system, the manifolding shall be done in accordance with the 1969 Edition of NFPA Standard No. 58 (see 41 Ill. Adm. Code Section 200.10). Only threaded fittings shall be used to manifold containers.

(Source: Repealed at ___ Ill. Reg. ___, effective _____.)

Section 200.180 Location of Containers (Repealed)

- a) Installation of containers above ground shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built upon, in accordance with the following table:

Aggregate Water Capacity	Minimum Distance
of Containers	0
Less than 125 gallons	10 ft.
125 to 250 gallons	15 ft.
251 to 500 gallons	25 ft.*
501 to 2,000 gallons	50 ft.
2,001 to 30,000 gallons	

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- b) ~~Minimum distances for installations of above ground containers which have aggregate capacities in excess of the above table and distances for containers installed under ground and minimum distances between above ground containers shall be in accordance with the 1969 edition of NFPA #58m B. 6. (b).~~
- ~~*AGENCY NOTE The above distance requirements may be reduced to not less than 10 ft. for a single container of 1,200 gallons water capacity or less, providing such a container is at least 25 ft. from any other LP gas container of more than 125 gallons water capacity.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.200 Marking of Tank Trucks and Trailers (Repealed)

~~Every tank truck or trailer shall be marked conspicuously and legibly on each side, and rear, in letters at least four (4) inches high on a background of sharply contrasting color, with reflectorized paint, the word "FLAMMABLE" which may be followed with the common name of the gas being transported, or with the name of the carrier or his trademark, when and only when such name or mark names the cargo.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.230 Drivers of Trucks and Trailers Must Be Properly Trained (Repealed)

~~Tank trucks or trailers shall be driven by a competent person who is trained in the handling, storage, sale and use of liquefied petroleum gases.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.240 When Tank Truck May Not Be Left Unattended (Repealed)

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~~The driver, operator or attendant shall not leave a tank truck unattended while it is being filled or discharged, or while it is parked on any street, highway, or alley. When making deliveries, tank trucks shall be parked with the front end directed away from buildings and toward the best and least obstructed exit from the premises. While unloading proceeds, the driver should endeavor to keep other vehicles from parking in the route of his exit. Each tank truck and trailer shall carry chock blocks which shall be used to prevent rolling of the vehicle whenever it is parked, including when loading or unloading.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.250 Tank Trucks and Tractors Must Be In Good Repair (Repealed)

~~Tank trucks and tractors used with trailers or semi-trailers shall not be operated unless they are in good repair, clean and free from leaks and equipped with lights, brakes and safety devices as required by the Illinois Vehicle Code. Motors shall be stopped while making or breaking hose connections.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.260 Parking In Congested Areas Prohibited (Repealed)

~~Tank trucks shall not be parked in heavily populated or congested areas or inside public garages.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.270 Travel In Heavy Traffic Districts To Be Avoided (Repealed)

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~~Except when making local deliveries, tank trucks shall, where possible, follow a route which avoids the mercantile district and any other heavy traffic districts.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.280 Gear Shift Requirements for Loaded Tank Trucks (Repealed)

~~Loaded tank trucks shall be driven downgrade in the same gear that would be required to pull the truck up the grade. Coasting with gears not engaged is prohibited.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.290 Semi-Trailers Loading and Unloading (Repealed)

~~Semi-trailers used for transporting liquefied petroleum gases shall be equipped with threaded fittings to be used when loading or unloading such gases.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.300 Fire Extinguisher Requirements (Repealed)

~~Each tank truck or tank wagon shall carry an approved fire extinguisher of a type suitable for gas fires. Extinguishers of the dry chemical or carbon dioxide type are suitable. Extinguishers should have a rating of 15-B, C.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.310 Excess Flow Valves Not To Be Tampered With (Repealed)

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~~Required excess flow valves shall not be tampered with in order to expedite the flow of liquefied petroleum gases.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.320 When Transportation and Sale Prohibited (Repealed)

~~Transportation or sale of liquefied petroleum gases in containers of a capacity of sixty (60) pounds or over and not connected for use, in a passenger carrying vehicle, is prohibited.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.330 Containers To Be Transported in Upright Position (Repealed)

~~Interstate Commerce Commission or Department of Transportation containers, filled or empty, shall be transported in an upright position and securely anchored to the vehicle.~~

(Source: Repealed at ____ Ill. Reg. ____, effective ____.)

Section 200.340 Fireworks Prohibited

~~The sale, use, explosion or handling of fireworks, including toy pistols, toy canes, toy guns, and toy pistol paper caps, is prohibited on any liquefied petroleum gases bulk storage, service station, or container filling plant premises.~~

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

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1) Heading of the Part: Uniform Medical Claim and Billing Forms

2) Code Citation: 50 Ill. Adm. Code 2017

3) Section Numbers: Proposed Action:

2017.10	New Section
2017.20	New Section
2017.30	New Section
2017.40	New Section
2017.50	New Section
2017.60	New Section
2017.70	New Section

4) Statutory Authority: Implementing and authorized by Section 141.31 of the Illinois Insurance Code (P.A. 88-84, effective January 1, 1994).

5) A Complete Description of the Subjects and Issues Involved:
New Section 141.31 of the Illinois Insurance Code requires the Director to promulgate a rule which prescribes standards of uniformity and simplicity for handling insurance claims and billing.

6) Will this proposed rule replace emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This Part will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

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Eve Blackwell, Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rule will not affect small businesses, as that term is defined by Section 1-75 of the Illinois Administrative Procedure Act (5 ILCS 100/1-75).

The full text of the Proposed Rule begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2017
 UNIFORM MEDICAL CLAIM AND BILLING FORMS

Section	Purpose
2017.10	Applicability and Scope
2017.20	Definitions
2017.30	Requirements for Use of HCFA Form 1500
2017.40	Requirements for Use of UB92/HCFA Form 1450
2017.50	Requirements for Use of J510/J511/J512 Form
2017.60	General Provisions
2017.70	

AUTHORITY: Implementing and authorized by Section 141.31 of the Illinois Insurance Code (P.A. 88-84, effective January 1, 1994).

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

Section 2017.10 Purpose

The purpose and intent of this Part is to promote the utilization of standardized forms in the billing and reimbursement of health care, which will reduce the number of forms used and increase efficiency in the reimbursement of health care through standardization.

Section 2017.20 Applicability and Scope

- a) Except as otherwise specifically provided, the requirements of this Part apply to issuers.
- b) An issuer or provider of health care treatment shall not refuse to accept a claim or bill submitted on the uniform claim and billing forms defined in Section 2017.30 of this Part. An issuer, however, may accept claims and bills submitted on any other forms.
- c) The adoption of uniform claim forms and uniform billing forms by the Director under this Part does not preclude an issuer, hospital, medical, or dental service corporation, or other prepayment organization from obtaining any necessary additional information regarding a claim

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from the claimant, provider of health care or treatment, or certifier of coverage, as may be required.

Section 2017.30 Definitions

As used in this Part:

CDT Codes means the current dental terminology prescribed by the American Dental Association.

CPT Codes means the current procedural terminology published by the American Medical Association.

HCFA means the Health Care Financing Administration of the U.S. Department of Health and Human Services.

HCFA Form 1500 means the current health insurance claim form published by HCFA, or its revision following the effective date of this Part, for use by health care practitioners.

HCPCS Codes means the HCFA's Common Procedure Coding System that is based upon the current American Medical Association's (AMA) Physician Current Procedural Terminology.

HCPCS Level 1 Codes means the AMA's current CPT codes with the exception of anesthesiology services.

HCPCS Level 2 Codes means the codes for physician and non-physician services that are not included in current CPT.

Health Care Practitioner means:

A chiropractor licensed under The Medical Practice Act of 1987, (225 ILCS 60/1 et seq.) to treat human ailments without the use of drugs and without operative surgery.

A dentist licensed under The Illinois Dental Practice Act, (225 ILCS 25/1 et seq.).

A nurse licensed under The Illinois Nursing Act of 1987, (225 ILCS 65/1 et seq.).

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An occupational therapist licensed under The Illinois Occupational Therapy Practice Act, (225 ILCS 75/1 et seq.).

An optometrist licensed under The Illinois Optometric Practice Act of 1987, (225 ILCS 80/1 et seq.).

A pharmacist licensed under the Pharmacy Practice Act of 1987, (225 ILCS 85/1 et seq.).

A physical therapist licensed under The Illinois Physical Therapy Act, (225 ILCS 90/1 et seq.).

A physician licensed under The Medical Practice Act of 1987, (225 ILCS 60/1 et seq.) to practice medicine in all of its branches.

A podiatrist licensed under The Podiatric Medical Practice Act of 1987, (225 ILCS 100/1 et seq.).

A psychologist licensed under The Clinical Psychologist Licensing Act, (225 ILCS 15/1 et seq.).

A social worker licensed under The Clinical Social Work and Social Work Practice Act, (225 ILCS 20/1 et seq.).

A speech-language pathologist and/or audiologist licensed under The Illinois Speech-Language Pathology and Audiology Practice Act, (225 ILCS 110/1 et seq.).

Other Health Care Practitioners licensed by the Illinois Department of Professional Regulation.

A supplier of health care services not described herein, including but not limited to a physician assistant, nurses aide, or supplier of durable medical equipment.

ICD-CM Codes means the disease codes in the current International Classification of Diseases, clinical modifications published by the U.S. Department of Health and Human Services.

Institutional Health Care Provider means:

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Ambulatory Surgical Treatment Center licensed under the Ambulatory Surgical Treatment Center Act, (210 ILCS 5/1 et seq.).

Home Health Agency licensed under the Home Health Agency Licensing Act, (210 ILCS 55/1 et seq.).

Hospice licensed under the Hospice Program Licensing Act, (210 ILCS 60/1 et seq.).

Hospital licensed under the Hospital Licensing Act, (210 ILCS 85/1 et seq.).

Skilled Nursing and Intermediate Care Facility licensed under the Nursing Home Care Act, (210 ILCS 45/1-101 et seq.).

Trauma Center licensed under The Emergency Medical Services (EMS) Systems Act, (210 ILCS 50/1 et seq.).

Other Institutional Health Care Providers licensed by The Illinois Department of Public Health.

Issuer means an insurance company, fraternal benefit society, health care service plan, health maintenance organization, and third party administrator, and any other entity paying or reimbursing the costs of health care expenses.

J510, J511 or J512 Form means the current uniform dental claim form or its revision following the effective date of this part, approved by the American Dental Association for use by dentists.

Medicare means the Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

Medical Assistance or Medicaid means Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) as then constituted or later amended.

Revenue Codes means the current codes established for use by institutional health care providers by the National Uniform Billing Committee and the Illinois Uniform Billing Committee.

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UB92/HCFA Form 1450 means the current health insurance claim form, or its revision following the effective date of this Part, developed by the National Uniform Billing Committee for use by institutional health care providers.

Section 2017.40 Requirements for Use of HCFA Form 1500

- a) Issuers shall accept an appropriately completed HCFA Form 1500 from health care practitioners.
- b) Issuers shall not require health care practitioners to use any coding system for the filing of claims for health care services other than the following:

- 1) current HCPCS Codes or current CPT Codes;
- 2) current ICD-CM Codes; and
- 3) For anesthesia services, current HCPCS Level I Codes.

- c) Issuers shall not require health care practitioners to use any other descriptor with a code or to furnish additional information with the submission of an HCFA Form 1500 except under the following circumstances:

- 1) When the procedure code used describes a treatment or service that is not otherwise classified; or
- 2) When the procedure code is followed by the CPT modifier 22, 52 or 99. Health care practitioners may use Box 19 of the HCFA Form 1500 to explain multiple modifiers.

- d) Health care practitioners may use Box 19 of the HCFA Form 1500 to indicate the form is an amended version of a form previously submitted to the issuer by inserting the word "amended" in the space provided.

- e) Health care practitioners billing for services based on the amount of time involved shall define in Box 19 the time interval in Box 24 G of the HCFA Form 1500. If not defined, units will be assumed to be days of treatment.

Section 2017.50 Requirements for Use of UB92/HCFA Form 1450

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- a) Issuers shall accept the UB92/HCFA Form 1450 from institutional health care providers when completed in accordance with instructions provided by the National Uniform Billing Committee and the Illinois Uniform Billing Committee.

- b) Issuers shall not require institutional health care providers to use any coding system for the filing of claims for health care services other than the following:

- 1) ICD-CM Codes;
- 2) Revenue Codes;
- 3) HCPCS Codes or CPT Codes.

- c) Hospitals may use the HCFA Form 1500 to supplement a UB92/HCFA Form 1450 if necessary.

Section 2017.60 Requirements for Use of J510/J511/J512 Form

- a) Issuers shall accept the J510/J511/J512 Form from dentists when completed in accordance with instructions provided by the American Dental Association.

- b) Issuers shall not require a dentist to use any code other than the CDT codes for the filing of claims for dental care services or to routinely furnish additional information with the submission of a J510/J511/J512 Form, unless the use of supplemental codes are defined and permitted in a written contract between the issuer and dentist.

Section 2017.70 General Provisions

- a) Nothing in this Part shall preclude the filing of a claim electronically.
- b) Issuers shall accept forms submitted in compliance with this Part for the processing of claims.
- c) Health care practitioners, institutional health care providers and issuers, if using the forms referenced in this Part, shall:

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- 1) Use and accept the most current editions of the HCFA Form 1500, UB92/HCFA Form 1450 or J510/J511/J512 Form.

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- 1) Heading of the Part:

Hospital Licensing Requirements

- 2) Code Citation:

77 Ill. Adm. Code 250

- 3) Section Numbers:

250.110
250.120
250.315
250.450
250.1820
250.1830
250.2450

Proposed Action:

Amendments
Amendments
Amendments
Amendments
Amendments

- 4) Statutory Authority:

Hospital Licensing Act

Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.

[210 ILCS 85]

- 5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 250 establish requirements for the licensure of hospitals in Illinois. These proposed amendments to the licensing requirements have been developed in consultation with the Hospital Licensing Board, as required by Section 10 of the Hospital Licensing Act.

Sections 250.110 and 250.120 set forth the requirements for the establishment and licensure of hospitals. The amendments clarify the process necessary to obtain a permit to establish a hospital and alleviate confusion and duplication of the Certificate of Need process. The amendments also establish categories for specialized licenses.

Section 250.315, which governs the use of "house staff" in hospitals, is being amended to comply with Public Act 87-0947, which became effective January 1, 1993. The Hospital Licensing Act was amended to mandate that hospitals comply with the duty hour requirements for residents and interns established by the Accreditation Council for Graduate Medical Education. These standards are incorporated by reference in the Department's existing rules. Section 250.315 is being amended to include this requirement.

Section 250.450 is being amended to clarify the required components of an employee health program. The amendments also include a requirement that the employee health program include

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compliance with the Department's rules governing screening for tuberculosis (77 Ill. Adm. Code 690.720).

The rules governing the provisions of maternity and neonatal services are being amended to eliminate the requirement that hospitals must submit plans for the management of obstetric and neonatal patients to the Department for approval. Section 250.1820(c) is being amended to require that such plans be developed and maintained by the hospital and that the plans must be reviewed biannually and revised as indicated by that review. The current rule merely states that the plans should be reviewed. This amendment will lessen the amount of paper that hospitals must submit to the Department and will make the process of developing and maintaining policies and procedures for the maternity and neonatal unit consistent with that of other hospital services and units. The Department will also be able to focus energy and resources on evaluating outcome and making appropriate intervention for poor outcome rather than expending resources on paper compliance. In addition, Section 250.1820(g)(2) is being amended to clarify the requirements for annual health assessment of personnel, including screening for tuberculosis in accordance with the Department's rules at 77 Ill. Adm. Code 690.720.

The rules governing the administration of oxytocin to induce labor are being revised to eliminate outdated monitoring requirements. Section 250.1830(g)(5)(B)(b) is being amended to require monitoring practices that are consistent with current technology and with the recommendations of the Nurses Association of the American College of Obstetricians and Gynecologists.

Section 250.2450 is being amended to permit the use of specialized and safe locking arrangements in areas of ingress and egress in areas of a facility with security problems, such as the emergency room, stairwells, and the newborn nurseries, without compromising life safety issues. A new subsection (c) is added that allows the installation of electronic locking devices at specific locations for security purposes and sets forth the specific requirements and limitations for use of these devices.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date: _____

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8) Does this Rulemaking Contain Any Incorporations By Reference?
Yes X No

9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs

B) Type of Small Businesses Affected:

hospitals

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C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

none

D) Types of Professional Skills Necessary for Compliance:

none

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

250.110 Application for and Issuance of ~~an initial~~ Permit to Establish a Hospital
 250.120 Application for and Issuance of a License to Operate a Hospital
 250.130 Administration by the Department
 250.140 Hearings
 250.150 Definitions
 250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section

250.210 The Governing Board
 250.220 Accounting
 250.230 Planning
 250.240 Admission and Discharge
 250.250 Visiting Rules
 250.260 Patients' Rights
 250.270 Manuals of Procedure

SUBPART C: THE MEDICAL STAFF

Section

250.310 Organization
 250.315 ~~Supervision of~~ House Staff Members
 250.320 Admission and Supervision of Patients
 250.330 Orders for Medications and Treatments
 250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section

250.410 Organization
 250.420 Personnel Records
 250.430 Duty Assignments

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250.440 Education Programs
250.450 Personnel Health Requirements
250.460 Benefits

SUBPART E: LABORATORY

Section
250.510 Laboratory Services
250.520 Blood and Blood Components
250.525 Designated Blood Donor Program
250.530 Proficiency Survey Program
250.540 Laboratory Personnel
250.550 Western Blot Assay Testing Procedures

SUBPART F: RADIOLOGICAL SERVICES

Section
250.610 General Diagnostic Procedures and Treatments
250.620 Radioactive Isotopes
250.630 General Policies and Procedures Manual

SUBPART G: EMERGENCY SERVICE

Section
250.710 Classification of Emergency Services
250.720 General Requirements
250.725 Notification of Emergency Personnel
250.730 Community or Area-wide Planning
250.740 Disaster and Mass Casualty Program
250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section
250.810 Applicability of Other Parts of These Requirements
250.820 General
250.830 Classifications of Restorative and Rehabilitation Services
250.840 General Requirements for all Classifications
250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860 Medical Direction
250.870 Nursing Care
250.880 Additional Allied Health Services

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SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section
250.910 Nursing Services
250.920 Organizational Plan
250.930 Role in hospital planning
250.940 Job descriptions
250.950 Nursing committees
250.960 Specialized nursing services
250.970 Nursing Care Plans
250.980 Nursing Records and Reports
250.990 Unusual Incidents
250.1000 Meetings
250.1010 Education Programs
250.1020 Licensure
250.1030 Policies and Procedures
250.1040 Patient Care Units
250.1050 Equipment for Bedside Care
250.1060 Drug Services on Patient Unit
250.1070 Care of Patients
250.1080 Admission Procedures Affecting Care
250.1090 Sterilization and Processing of Supplies
250.1100 Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section
250.1210 Surgery
250.1220 Surgery Staff
250.1230 Policies & Procedures
250.1240 Surgical Privileges
250.1250 Surgical Emergency Care
250.1260 Operating Room Register
250.1270 Surgical Patients
250.1280 Equipment
250.1290 Safety
250.1300 Operating Room
250.1305 Visitors in Operating Room
250.1310 Cleaning of Operating Room
250.1320 Regulations for Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

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Section
250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section
250.1510 Medical Records
250.1520 Reports

SUBPART M: FOOD SERVICE

Section
250.1610 Dietary Department Administration
250.1620 Facilities
250.1630 Menus and Nutritional Adequacy
250.1640 Diet Orders
250.1650 Frequency of Meals
250.1660 Therapeutic (Modified) Diets
250.1670 Food Preparation and Service
250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section
250.1710 Housekeeping
250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
250.1730 Insect and Rodent Control
250.1740 Laundry Service
250.1750 Soiled Linen
250.1760 Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section
250.1810 Applicability of other Parts of these regulations
250.1820 Maternity and Neonatal Service Regulations (Perinatal Service)
250.1830 General Requirements for all Maternity Departments
250.1840 Discharge of Newborn Infants from Hospital
250.1850 Rooming-In Care of Mother and Infant
250.1860 Special Programs
250.1870 Single Room Maternity Care

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SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS -- HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL.

Section
250.1910 Maintenance
250.1920 Emergency electric service
250.1930 Water Supply
250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950 Grounds and Buildings Shall be Maintained
250.1960 Sewage, Garbage, Solid Waste Handling and Disposal
250.1970 Plumbing
250.1980 Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section
250.2010 Definition
250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section
250.2110 Service Requirements
250.2120 Personnel Required
250.2130 Facilities for Services
250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section
250.2210 Applicability of other Parts of these Regulations
250.2220 Establishment of a Psychiatric Service
250.2230 The Medical Staff
250.2240 Nursing Service
250.2250 Allied Health Personnel
250.2260 Staff and Personnel Development and Training
250.2270 Admission, Transfer and Discharge Procedures
250.2280 Care of Patients
250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300 Diagnostic, Treatment and Physical Facilities and Services

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SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section	
250.2410	Applicability of these Standards
250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430	Preparation of Drawings and Specifications -- Submission Requirements
250.2440	General Hospital Standards
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

SUBPART V: SPECIAL CARE AND SPECIAL SERVICE UNITS

Section	
250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights

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ILLUSTRATION A	Seismic Zone Map
APPENDIX A	Codes and Standards (Repealed)
EXHIBIT A	Codes (Repealed)
EXHIBIT B	Standards (Repealed)
EXHIBIT C	Addresses of Sources (Repealed)
TABLE A	Measurements Essential for Level I, II, III Hospitals
TABLE B	Sound Transmission Limitations in General Hospitals
TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals
TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas
TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 1, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752, amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16700, effective October 1, 1988; amended at 13 Ill. Reg. 13332, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUPPLEMENTAL

Section 250.110 Application for and Issuance of an Initial Permit to Establish a Hospital

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- a) Situations constituting establishment of a hospital. The following situations constitute the establishment of a hospital: A permit to establish a hospital is required for the following:

- 1) Persons acting individually or jointly, who propose to build, own, establish or operate a construction of a new hospital;
- 2) Persons already operating hospitals that change their legal identity to such an extent that a reissuance of a hospital license is required;

- 2)3) Persons already operating hospitals that wish to build or establish a new hospital. Change of location of a hospital;

- 3) Change of licensee of a hospital;

- 4) Change of license category of a hospital;

- 5) Whenever a facility that was not formerly required to be licensed becomes subject to licensure;

- b) Application for a permit

- 1) Proposed owners and/or operators or proposed hospitals are responsible for making application to the Department in order to obtain a permit to establish a hospital. The application must be made prior to the development of preliminary plans and specifications;

- 2) An application for a permit to establish a hospital shall be made to the Department in accordance with directions and forms provided by it. This application shall contain the information required under the Act and these regulations to enable the Director to determine whether an initial and/or final permit shall be issued;

- 3) All applications shall be signed by the applicant and shall be executed under oath. Applications on behalf of a corporation or association or a governmental unit or agency shall be made and verified by any two officers thereof;

- 4) It is recommended that the Department be informed that an Application for Initial Permit is being developed so that comments and suggestions may be given by the Department during the period that the application is being developed;

- 2) The application shall include a Certificate of Need Permit (CON) or Certificate of Exemption from Certificate of Need (COE) issued by the Health Facilities Planning Board pursuant to the Health Facilities Planning Act (Ill. Rev. Stat. 1991, Ch. 111 1/2, par. 1151 et seq.) [20 ILCS 3960].

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- 3) An application for a permit in the case of construction of a new hospital shall also include architectural plans and specifications;

- e) Background and character of applicant.

The applicant shall furnish information relating to the qualifications, background and character of each individual who is associated in the ownership and management of the hospital. This information shall establish that the applicant is fit, willing and able to provide a proper standard of hospital service for the community.

- d) Financial resources of applicant

The applicant shall document the financial resources available to construct, operate and maintain the proposed hospital.

- 1) Resources must be available for the total project cost, based upon a reasonable estimate of construction costs, debt service and financial costs, architectural and legal fees, preopening and organizational expenses, and a reserve to meet initial operating expenses, prior to first collections. The financial resources available to provide for the total project costs must consist of a minimum of 20 percent un borrowed equity and no more than 80 percent of indebtedness.

- 2) Major third party payors serving the identified service area of the proposed hospital shall be identified;

- 3) Projections of proposed patient charges and costs shall be presented to any agency indicated by the Department for their review of rates or cost statements of institutional providers of health care. The applicant must

document such consideration before an initial permit will be issued.

- e) Operation in public interest - staffing

- 1) The applicant shall furnish evidence that the operation of the proposed hospital will be consistent with the public interest and that safe, adequate and efficient hospital facilities and services will be provided to the community;

- 2) A complete narrative description of the facilities and services shall be provided by the applicant, including a projected staffing pattern for the operation of these facilities. The applicant shall furnish a list of prospective members of the medical staff who have expressed an intent to admit patients to the proposed hospital and their present hospital affiliation and specialties, where applicable.

- f) Evaluations and investigations

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- 1) ~~The Director may request the cooperation of the Illinois Health Facilities Planning Board to provide relevant information from its files on particular projects to establish a hospital.~~
- 2) ~~The Director may request the cooperation of local health departments, community development and planning agencies, other state or local governmental agencies or local voluntary agencies in obtaining information and in conducting investigations relating to such applications, but will not necessarily be limited to these sources.~~
- 3) ~~The applicant should seek the cooperation of such Illinois health planning agencies as are relevant to obtain or secure information relating to his application and to determine specifically whether the hospital's proposed location, service constituency and overall plan is consistent with the public interest and statements of consistency should be obtained from these planning agencies as indicated in Section 6, (a), paragraph 2, of the Act.~~
- 4) ~~The Director may present the Application for Initial Permit to Establish a Hospital to the Hospital Licensing Board which will evaluate the application in the light of advancing knowledge and make recommendations to the Director, consistent with public interest and related to the purpose of the Hospital Licensing Act as stated in Section 2 of the Act and these requirements.~~

gC) Issuance of Permit

- 1) ~~The applicant shall obtain a permit from the Illinois Health Facilities Planning Board pursuant to Public Act 78-1156, The Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1993, ch. 111-1/2, para. 1151 et seq.), prior to the approval and issuance, by the Director of the initial permit to establish a hospital required by the Hospital Licensing Act. The application to the Illinois Health Facilities Planning Board for Permit to Establish a Hospital and approved by that body will be recognized by the Director as the Application for Initial Permit under the Hospital Licensing Act. This shall not apply to those transactions to establish a hospital to which the Illinois Health Facilities Planning Act is not applicable.~~

- 2) Upon receipt of an application for an initial permit to establish a hospital, the Director shall issue a permit if he finds:

- A) that the applicant is fit, willing, and able to provide a proper standard for hospital service for the community with particular regard to the qualifications, background and character of the applicant, application is complete, including the issuance of the necessary CON or COE, and
- B) that the financial resources available to the applicant demonstrate an ability to

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~~construct, maintain, and operate a hospital in accordance with the standards, rules and regulations adopted pursuant to this Act, and when a new hospital is being constructed, that the architectural plans and specifications are in compliance with the design and construction standards required by this Part.~~

- c) ~~that subcontracts are provided which assure hospital operation and maintenance consistent with the public interest, having particular regard to safe, adequate, and efficient hospital facilities and services.~~

- 32) An approved application for initial ~~a~~ permit to establish a hospital shall be valid for one year from date issued. The approval of an ~~initial~~ permit may be extended provided the applicant submits to the Department an acceptable, well-documented progress report.

hd) Permit not transferable

A permit to establish a hospital shall be valid only for the premises and person named in the application for such permit and shall not be transferable or assignable

i) ~~Final permit~~

~~Final approval by the Department shall be given following the determination that all information and commitments contained in the Application for Initial Permit to Establish a Hospital as requested by the Department have been realized and as provided with satisfactory documentation, that all plans and specifications have been submitted to the Department and approved, that bids accepted do not exceed estimates used for computing total estimated costs. If total cost exceeds estimates, reevaluation of the Application for Initial Permit may be in order. The applicant shall be required to request a final permit.~~

j) ~~Submission of architectural plans~~

~~In the event that a permit is issued, the person to whom the Director has issued the permit shall submit architectural plans and specifications to the Department for review and approval. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before any alteration or addition to an existing facility or construction of a new facility to begin. (For further information on substantial and requirements see Subpart 1 of these requirements.)~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 280.120 Application for and Issuance of a License to Operate a Hospital

- a) Applicant and Licensee. The applicant or licensee is the "person" as defined in Section 3 (B) of the Act who establishes, conducts, ~~or~~ operates and maintains a hospital, or proposes to do so, and who is responsible for meeting licensing requirements.

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- b) Hospitals to be Licensed. A license is required of all places that are hospitals within the meaning of the word as defined in Section 3 of the Act, providing that such place is not specifically excluded by the Act.

- c) Places not to be licensed. The Act excludes the following:

- 1) ~~Any person or institution required to be licensed pursuant to "an Act in relation to the licensing and regulation of homes for the maintenance, care, and nursing of persons who are ill or physically infirm" approved July 17, 1945; ANY PERSON OR INSTITUTION REQUIRED TO BE LICENSED PURSUANT TO THE NURSING HOME CARE ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45] AS AMENDED;~~

- 2) ~~Hospitalization or care facilities maintained by the State or any department or agency thereof, where such department or agency has authority under law to establish and enforce standards for the hospitalization or care facilities under its management and control; HOSPITALIZATION OR CARE FACILITIES MAINTAINED BY THE STATE OR ANY DEPARTMENT OR AGENCY THEREOF, WHERE SUCH DEPARTMENT OR AGENCY HAS AUTHORITY UNDER LAW TO ESTABLISH AND ENFORCE STANDARDS FOR THE HOSPITALIZATION OR CARE FACILITIES UNDER ITS MANAGEMENT AND CONTROL;~~

- 3) ~~Hospitalization or care facilities maintained by the Federal Government or agencies thereof; or HOSPITALIZATION OR CARE FACILITIES MAINTAINED BY THE FEDERAL GOVERNMENT OR AGENCIES THEREOF;~~

- 4) ~~Hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation. HOSPITALIZATION OR CARE FACILITIES MAINTAINED BY ANY UNIVERSITY OR COLLEGE ESTABLISHED UNDER THE LAWS OF THIS STATE AND SUPPORTED PRINCIPALLY BY PUBLIC FUNDS RAISED BY TAXATION;~~

- 5) ~~ANY PERSON OR FACILITY REQUIRED TO BE LICENSED PURSUANT TO THE ALCOHOLISM AND OTHER DRUG DEPENDENCY ACT, AS NOW OR HEREFTER AMENDED (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6351-1 et seq. [20 ILCS 305]; OR~~

- 6) ~~ANY FACILITY OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. (Section 3 of the Act)~~

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- d) Application for License

- 1) The application for a license shall be made to the Department upon forms provided by it and shall contain such pertinent information as the Department requires for the administration of the Act.

- 2) Applications on behalf of a corporation or association or governmental unit or agency shall be made and verified by any two officers thereof.

- 3) No fee shall be charged.

- e) Issuance and Renewal of License. Licenses issued hereunder shall be valid for a period of one year. The renewal shall be made by the Department to those hospitals meeting licensing requirements as determined by an ongoing review of reports, surveys, and recommendations on file with the Department as related to the operation of the hospital.

- f) License not transferable; notification of change of ~~ownership~~licensee, location or name.

- 1) The license is not transferable. Each license is separate and distinct and shall be issued to a specific licensee for a specific location. The Department shall be notified prior to ~~of~~ any change in ~~ownership~~licensee, name, or location of a hospital.

- 2) If the hospital's name is changed a new license certificate will be issued upon notification of the change.

- 3) ~~A new application of license shall be submitted when~~ Prior to changing the location of a hospital, ~~is changed and~~ the provisions of Section 250.110 and this Section shall be applicable.

- 4) A change in the legal identity of the ~~ownership~~licensee of a hospital constitutes the establishment of a new hospital and the provisions of Section 250.110 and this Section shall be applicable.

- g) License Category: Approval of Services.

- 1) Each license shall apply only to the category of services offered by the hospital at the time the license is issued, and as reflected in the CON or COE issued by the Health Facilities Planning Board. A General license shall be issued for a hospital that offers a variety of categories of services. A specialized license (e.g. Psychiatric, Pediatric, Rehabilitation, Tuberculosis) shall be issued for a hospital that offers primarily that special category of services.

- 2) The license shall apply only to the number of beds and the clinical services operating

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at the time the license is issued. If a new clinical service is to be initiated, or an existing service expanded or discontinued, the approval of the Department must first be obtained. If a change in clinical service results in a change of license category, then a new application for license shall be submitted and the provisions of Section 250.110 and this Section shall apply.

- h) Provisional License. The Director may issue a provisional license to any hospital which does not substantially comply with the provisions of the Act and this Part provided that he finds that such hospital has undertaken changes and corrections which upon completion will render the hospital in substantial compliance with the provisions of the Act and this Part, and provided that the health and safety of the patients of the hospital will be protected during the period for which such provisional license is issued. The Director shall advise the licensee of the conditions under which such provisional license is issued, including the manner in which the hospital facilities fail to comply with the provisions of the Act and this Part, and the time within which the changes and corrections necessary for such hospital facilities to substantially comply with the Act and this Part shall be completed.
- i) Separate Licenses. The Department may require a hospital that houses patients in more than one building to have separate licenses for one or more such separate buildings.
- j) Posting of License. The license shall be posted where it may readily be seen and read by the public.
- k) Notification of closure of hospital. The licensee shall notify the Department of the impending closure of the hospital, at least 90 days prior to such closure. The hospital shall be responsible for the removal and replacement of patients. The hospital shall implement the policies for preservation of patient medical records and medical staff credentialing files in accordance with Section 250.1510(d)(2) and Section 250.310(a)(16).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART C: THE MEDICAL STAFF

Section 250.315 Supervision of House Staff Members

- a) In hospitals participating in professional graduate training programs, the policies of the hospital, which shall be approved by the Board, must specify the duty hour requirements for house staff members and the mechanisms by which house staff members are supervised by members of the medical staff in carrying out their patient care responsibilities.
- b) These policies shall comply with the "Essentials of Accredited Residencies in Graduate Medical Education" established by the Accreditation Council for Graduate Medical Education.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART D: PERSONNEL SERVICE

Section 250.450 Personnel Health Requirements

- a) ~~An employee health program, including a program of periodic physical examination of all personnel is recommended. Appropriate x-ray and tuberculin examinations and immunizations should be included. Each hospital shall establish an employee health program that includes the following:~~

- 1) an assessment of the employee's health and immunization status at the time of employment;
- 2) policies regarding required immunizations;
- 3) policies and procedures for the periodic health assessment of all personnel. These policies must specify the content of the health assessment, the interval between assessments and must comply with Section 690.720 (Tuberculosis) of the Department's rules entitled "Control of Communicable Diseases Code" (22 Ill. Adm. Code 690).

- b) Personnel absent from duty because of any communicable disease shall not return to duty until examined for freedom from any condition that might endanger the health of patients or employees.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART O MATERNITY AND NEONATAL SERVICE

Section 250.1820 Maternity and Neonatal Service Regulations (Perinatal Service)

- a) Chief of Obstetric and Pediatric Services

- 1) Each hospital should have an organized obstetric staff with a chief of obstetric service who is either certified or qualified in obstetrics or a physician who is interested in and regularly practicing obstetrics as chief of the maternity service, and document a source for obstetric consultation available on a twenty-four hour basis. The Chief's level of qualification and expertise are to be appropriate to level of care rendered in the facility

- 2) His responsibilities shall include

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- A) the general supervision of the care of maternity patients;
- B) the establishment of criteria for admissions;
- C) the adherence to licensing requirements;
- D) the adoption by the medical staff of standards of practice and privileges;
- E) the identification of clinical conditions and procedures requiring consultation;
- F) the arrangement of conferences held at regular intervals (quarterly is suggested as a minimum interval) to review operations, complications, and mortality;
- G) assurance that the clinical records, consultations and reports are properly completed and analyzed;
- H) the provision for exchange of information between medical, administrative and nursing staffs.

- 3) Each hospital should have an organized pediatric staff with a chief of service who is either certified or qualified in pediatrics or a physician who is interested in and regularly practicing neonatology as chief of the neonatology service and a source for neonatology consultation available on a 24-hour basis. His responsibilities shall include subsections (a)(2)(A) through (4) ~~above~~ of this Section, for care of newborn infants.

b) Provision of Care

- 1) All hospitals described or considered as general hospitals by the Illinois Department of Public Health shall provide for the admission, medical care, transfer or discharge of the obstetric and neonatal patients.
- 2) No hospital shall fail to provide such care without the expressed written consent of the Director of the Illinois Department of Public Health.
- 3) Each licensed hospital providing maternity and perinatal services shall comply with the perinatal care standards promulgated by the Department. (Regionalized Perinatal Care, 77 Ill. Adm. Code 640)

c) Location

- 1) Maternity and neonatal services shall be located and arranged to provide maximum protection for mothers and neonatal patients from infection and cross-infection from

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patients in other services of the hospital.

- 2) It is required that hospital maternity and neonatal facilities be located in the hospital so as to prevent through traffic to any other part of the hospital.

d) Adequacy of Services

- 1) The hospital shall have well organized maternity and neonatal services adequately supervised by qualified personnel with the necessary space, facilities, equipment and personnel to perform or make available maternity and neonatal services commensurate with the needs of the population in the hospital service area.
- 2) Total live births generated by the hospital service area will determine the size of the postpartum nursing unit (number of rooms and beds) which in turn will be related to space allotments for delivery rooms, nurseries and other facilities. The size of the unit will affect medical and nursing care plans for the maternity and neonatal service.

e) Maternity and Neonatal Service Plan

- 1) ~~Maternity and Neonatal Service Plan. Hospitals performing maternity and newborn services must submit for the Illinois Department of Public Health's approval, a plan developed by the nursing department, medical staff, and approved by the governing authority of the hospital, for the management of the obstetric and neonatal patients. The Department will approve plans that comply with the requirements of Subpart Q, Hospital Licensing Requirements. Hospitals providing maternity and neonatal services must develop a plan for the management of the obstetric and neonatal patients, which meets the requirements of this Subpart. The plan must be developed by the nursing department and medical staff, and must be approved by the governing authority of the hospital.~~

- 2) The hospital's written Maternity and Neonatal Service Plan shall be known to medical staff and nursing personnel and more specifically to maternity and nursery personnel. A copy of the Plan shall be available in each maternity and nursery unit and in every relevant hospital service area; the Plan ~~should~~ must be reviewed at least biannually and revised as indicated by the review.

- 3) Reference - "Standards and Recommendations for Hospital Care for Newborn Infants," American Academy of Pediatrics; "Standards for Obstetric-Gynecologic Hospital Services," American College of Obstetricians and Gynecologists,

f) Levels of Care

- 1) Maternity and neonatal patients should be identified according to the level of

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specialized care required.

- A) Level I or Primary Perinatal Care. The normal or low risk patient may be considered to require a minimal level of care.
- B) Level II or intermediate perinatal care means the level of care provided to a mother, fetus or newborn infant which is less than tertiary or the greatest degree of intensive care but which is a greater degree of intensity than normal of general care as is defined below.
- C) Level III or intensive perinatal care means the level of care providing close medical and surgical coordination, multidisciplinary consultation and supervision provided to those patients with medical and surgical problems which require highly specialized treatment and highly trained personnel as defined below.

2) Service Management Plan

- A) A service management plan must be provided for the primary, intermediate and intensive levels of care for all patients. The plan must provide for consultation services and establish the availability of such services to stimulate early diagnosis of maternal, fetal and neonatal problems. Services unable to provide all three levels of care of patients must maintain plans for the safe transfer of certain categories of patients to hospitals with more specialized facilities, services and personnel.

- B) When the condition permits, a patient may be transferred from the tertiary care facility to an intermediate care facility which is nearest the family residence or another facility which can provide the appropriate level of care. A neonatal patient should be transferred to a nursery nearest the family's home which is able to provide an appropriate level of care.

g) Infection Control

- 1) Policies, procedures, isolation techniques, and facilities used must be well known to all personnel performing services in the maternity and newborn service areas. A copy of the procedures must be placed in each maternity and nursery unit and in relevant hospital service areas.
- A) There must be a continuing program of instruction for all personnel on the mode of spread of infection.
- B) The policies and procedures relative to the criteria for isolation and aseptic

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techniques must be enforced.

- C) Reference - "Standards and Recommendations for Hospital Care for Newborn Infants" of the American Academy of Pediatrics; "Standards for Obstetric-Gynecologic Services" of the American College of Obstetricians and Gynecologists, "Rules and Regulations for Control of Communicable Diseases Code" of the Illinois Department of Public Health; "Isolation Techniques for Use in Hospitals," Center for Disease Control, USPHS, Department of Health, and Human Services.

2) Infection Control Requirements:

- A) Professional and ancillary maternity and nursery personnel who have contact with patients shall be free of transmissible disease.

B) Health assessment of personnel

- i) Annual health assessment of nursery personnel shall be performed and shall include ~~a negative tuberculin skin test of a chest x-ray which indicates that no specific infection is present~~ screening for tuberculosis in accordance with Section 690.720 of the Department's rules entitled "Control of Communicable Diseases Code" (77 Il. Adm. Code 690).

- ii) It is recommended that evidence of prior rubella infection or rubella vaccination shall be required of nursery personnel.

- C) Except that hair must be properly covered or controlled, caps, beard bags, and masks are not needed for routine nursery activities. Caps, beard bags and masks are required in the delivery room, and for surgical procedures including umbilical vessel catheterization. Special shoes or shoe coverings should be worn in the delivery room. If flammable materials are used conductive shoes or shoe coverings are required.

- D) Handwashing to the elbows with an antiseptic agent by a procedure developed and posted by the Infection Control Committee is required before entering the nursery, and between patients.

- E) All rings, watches and bracelets shall be removed before handwashing and entering the nursery.

- 1) Visiting personnel in the nursery shall wear gowns to cover clothing unless all infants are kept in forced air enclosed incubators.

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G) Physicians, nursing personnel and others who spend most of their working day in a Maternity rooming-in unit or the nursery unit should wear short sleeved scrub dress or suits. When leaving the unit, a long sleeved gown should be worn over the scrub dress or suit and discarded upon returning to the unit.

H) In the normal care nursery, infants with suspected infections are moved to a transition nursery for observation.

I) Individual isolation technique is applied to the infected or potentially infected maternity or newborn infant. A closed isolette does not constitute isolation nor is it a part of isolation technique.

J) Movement of an infected newborn to a separate, isolation room is not necessary if there is: adequate nursing and medical staff for unhurried movement between patients and adequate time for thorough handwashing between patients and gowning, sufficient space (four to six feet) for easy movement between patients and to remove temptation to move from one patient to another without handwashing, a continuing program of instruction for all nursery personnel on the mode of spread of infections, and if there are two sinks for each nursery room. If these conditions are not met, an isolation room with separate scrub facilities is necessary for the infected patient. See Section 250.2440(h) for additional requirements.

K) Infants contaminated at birth, i.e., infants born outside the hospital or under conditions not aseptic, or of mothers with membranes ruptured 24 hours or more, or born of mothers suspected of harboring infectious disease shall be cared for in an observation or transition room, or in the primary care area with careful attention to proper aseptic technique of attending personnel and to conditions described in ~~Section 250.1829~~ subsection (g)(2)(J) above of this Section.

L) The physician in charge and the nursing supervisor with the Infection Control Committee should establish a program of disinfection for patient areas. Clear descriptions of cleaning and disinfection methods should be incorporated into the patient care procedures manual. Incubators and bassinets are to be disinfected upon an infant's discharge, and other nursery and delivery equipment cleaned and sterilized by specific procedures consistent with recommendations of the American Academy of Pediatrics, American College of Obstetrics and Gynecology and outlined in the unit's procedures manual. Spot checking or random cultures of delivery room and nursery may help determine effectiveness of procedures.

3) References: "Standards and Recommendations for Hospital Care for Newborn

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Infants," American Academy of Pediatrics; "Standards for Obstetric-Gynecologic Services," American College of Obstetricians and Gynecologists; "Control of Communicable Diseases Code," Illinois Department of Public Health (77 Ill. Adm. Code 690), "Isolation Techniques for Use in Hospitals," Center for Disease Control, USPHS, Department of Health and Human Services.

h) Combined Facilities

1) Obstetric and clean gynecologic service facilities may be combined in accordance with an approved plan that complies with the requirements of this Subpart. The hospital ~~must submit a description of the combined service program, and its functional operations with and detailed rules and regulations must be approved by the Hospital Maternity and Newborn Service, Medical Staff and Governing Authority, for approval by the Illinois Department of Public Health. The Department will approve plans to comply with the requirements of Section 250.1820(h)(2) through (8). Hospital Licensing Requirements. No hospital shall operate a combined facility until approved to do so by the Department.~~

2) In ~~approved~~ combined programs, Cesarean section and obstetrically related surgery other than vaginal delivery may be carried out in a designated an approved operating or delivery room. In ~~approved~~ combined programs, vaginal deliveries may be carried out only in designated and approved delivery rooms or designated and approved operating rooms used solely for obstetric and/or clean gynecologic procedures.

3) Gynecologic service and maternity service may be provided for in a combined Maternity and Gynecologic Service, or

4) Clean gynecologic cases may be admitted to the postpartum nursing unit of a maternity service in accordance with ~~an approved Maternity Service Plan (refer to Section 250.1810(e))~~ the hospital's Maternity Service Plan.

5) Only members of the medical staff with appropriate privileges may admit and care for patients in such combined service areas. Such admissions must be strictly controlled and be subject to the final authority delineated in the medical staff bylaws and approved by the hospital governing authority. There shall be close surveillance of the services by the hospital's infection committee.

6) Patients admitted to combined service facilities of hospitals with approved programs shall be limited to:

A) Obstetric patients admitted for delivery.

B) Clean obstetric complications (regardless of month of gestation). Refer to

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Section 250.1830(g)(2).

- C) Other noninfected complications of pregnancy.
- D) Selected clean gynecologic patients.
- 7) Patients not eligible for admission include those:
 - A) with an active, acute or chronic infectious condition;
 - B) patients housed on other services of the hospital;
 - C) requiring radium or radiation isotope therapy, excluding external radiation therapy.
- 8) There shall, on a daily basis, be unoccupied reserve beds in the combined facilities in readiness for use by obstetric patients. This unoccupied reserve shall be not less than 10% of the average daily census for obstetric patients.
- 9) Patients admitted to the combined services may be taken to x-ray or other hospital facilities for diagnostic procedures, before or after surgery, so long as there is no evidence that such procedures may be hazardous to the patient or to other patients on the combined service.
- 10) Patients may receive postpartum or immediate postoperative care in the general recovery room prior to being returned to the combined service floor if the following conditions prevail: (Refer to Section 250.1320(a)).
 - A) The recovery room or intensive care unit is a separate unit adjacent to or part of the general surgical operating suite and/or delivery suite.
 - B) The recovery room or intensive care unit contains no patients with known or suspected infectious or communicable disease or other adverse conditions.
 - C) The recovery room is under the direct supervision of the chairman of anesthesiology of the hospital. In separate maternity recovery rooms such supervision is provided by the obstetrician in charge or a qualified designated physician.
- 11) Nursing care of all patients shall be supervised by a registered professional nurse qualified to provide such supervision.
- 12) Nursing care of all patients may be given by the same personnel except when

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rooming-in of infants is practiced in the maternity area.

- 13) Visiting regulations for obstetric patients shall apply to all patients admitted to the combined facilities. Refer to Section 250.1830(k).
- i) Activity Records.
 - 1) The hospital shall establish and keep the necessary daily records, including a Patient Log and the Maternity Services Daily Census Report, from which required reports can be prepared.
 - 2) The Patient Log shall contain, as a minimum, the following data on each patient admitted to the department other than maternity patients:
 - A) Name of patient or hospital patient number
 - B) Age
 - C) Attending physician's name
 - D) Date of admission
 - E) Admitting diagnosis
 - F) Operative procedure
 - G) Discharge diagnosis
 - H) Date of discharge
 - I) Days stay
 - J) Transferred off floor
 - Yes _____ Date _____ No _____
 - K) Reason for transfer
 - 3) A Maternity Service Daily Census Report shall be kept which for each day of the month gives the patient census (at the census taking hour) of
 - A) obstetric patients, including patients with clean obstetric complications,

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- B) gynecologic patients;
- C) empty beds in the department, and
- D) total patients.

- 4) The hospital shall submit required reports including a supplement to its monthly Perinatal Activities Report to the Department. The report form shall be provided by the Department. Refer to Section 250.1830(i)(1).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 250.1830 General Requirements for all Maternity Departments

- a) Heating of nurseries and delivery suite. The temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mother and baby as determined by the responsible people in the department and as recommended by the American Academy of Pediatrics and ACOG. Chilling of the neonate must be avoided: the neonate must be immediately placed in an approved radiant heat source plugged in and ready to receive the infant and which allows access for resuscitation efforts. Personnel trained to use the equipment to maintain a neutral thermal environment for the neonate shall be available. For general temperature and humidity requirements see Section 250.2480(d)(1) ~~of this Part~~. In general, a temperature between 72 degrees and 76 degrees and relative humidity between 35% and 60% is acceptable.

b) Linens and Laundry

- 1) It is recommended that all washable bedding, including blankets, and garments used for newborn infants, be autoclaved before use when there is not positive assurance that all items have been satisfactorily washed, are clean and safe for use.
- 2) Diapers and other soiled nursery linen shall be washed separately from each other and from other hospital linen. Chutes from nursery to laundry shall be used only if a system of negative pressure vacuum is in effect.
- 3) Linens used in observation and special care nurseries shall be autoclaved.
- 4) Soiled linen shall be placed in hampers easy to clean and disinfect, and removed from the area every eight hours in sealed bags.
- 5) No new unlaundered garments shall be used in the nursery.
- c) Sterilizing equipment, as required in Section 250.1090(d)(33)(N), shall be available. This

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may be provided in the maternity department or in a central sterilizing unit provided; that flash sterilizing equipment or adequate sterile supplies and instruments ~~shall be~~ are provided in the maternity department.

d) Accommodations and facilities for mothers

- 1) The hospital shall identify specific rooms and beds, adjacent when possible to other maternity facilities, as maternity rooms and beds. These rooms and beds shall be used exclusively for maternity patients or for combined maternity and gynecological service beds as provided in a plan specifically approved by the Department in accordance with Section 250.1820(h).

- 2) Use of adjacent patient rooms and beds. Whenever feasible, adjacent patient rooms and beds may be used as "swing beds" to be made a part of another nursing unit. Adjacent rooms and beds may be used for clean cases. A corridor partition with doors is recommended to provide a separation between the maternity beds and maternity facilities and the nonmaternity rooms. The doors shall be kept closed except when in active use as a passageway.

- 3) Isolation facilities. Facilities shall be available for the immediate isolation of all patients in whom an infectious condition is thought to exist or other conditions inimical to the safety of other maternity and neonatal patients.

- 4) Labor beds. It is preferred that labor rooms be private or two-bed rooms. Labor rooms shall be conveniently located with reference to the delivery rooms and shall have facilities for examination and preparation of patients.

5) Delivery Room

- A) Delivery room shall be equipped and staffed to provide emergency resuscitation for infants. Equipment should include an infant size positive pressure bag with capability of 100% O₂ delivery. Bag and mask with attachment for oxygen, laryngoscope with zero and one sized blades, endotracheal tubes sizes 10, 12, 14 French or equivalent, oral airways and an appropriate device to provide a source of continuous suction for aspiration of the pharynx and stomach. An umbilical vessel catheterization tray should be available. Only personnel qualified and trained to do so should use this equipment.

- B) If only one delivery room is required, one labor room should be arranged as an emergency delivery room and should be have a minimum clear floor area of 180 square feet.

- 6) Recovery Room. A recovery room is recommended. The patient shall be kept under

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close observation until her condition is stabilized following delivery. Observations at established time intervals shall be recorded as a part of the patient's chart. A recovery area shall be provided. Emergency equipment and supplies must be available for use in the recovery area. Continuing education for personnel providing recovery room care should be provided. Refer to Section 250.1410(g).

e) Accommodations and facilities for infants

1) Primary Care Nurseries

- A) A clean nursery or nurseries shall be provided, preferably near the mothers' rooms with adequate lighting and ventilation. There shall be a minimum of thirty square feet of floor area for each bassinets and three feet between bassinets. Equipment must be provided to prevent direct draft on the infants. Because one nursing staff person is required for every six to eight normal infants, individual nursery rooms should have a capacity of six to eight or 12 to 16. The normal newborn infant care area in a smaller hospital should limit room size to eight, so that two or more rooms are available to permit cohorting in presence of infection.

- B) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and equipment shall be provided in a number to exceed obstetric beds by 20% at least to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets are to be separated by a minimum of three feet measuring from the edge of one bassinet to the edge of the adjacent one.

- C) A glass observation window shall be provided through which babies may be viewed.

- D) Resuscitation equipment as described for the delivery suite and below, and personnel trained to use it shall be available in the nursery at all times.

- E) Each primary care nursery shall have immediately on hand equipment necessary to stabilize the sick infant prior to transfer. Such equipment shall consist of:

- i) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees (an incubator, or preferably a radiant heat source).
- ii) Ability to monitor blood sugar frequently. (Dextrostix)
- iii) Resuscitation tray. Laryngoscope, 0 and 1 size blades, endotracheal

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tubes of various neonatal sizes, infant size positive pressure bag and appropriate sized masks, gavage tubes, and an umbilical vessel catheterization tray.

- iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (F I O₂). The oxygen analyzer shall be calibrated and serviced at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.

- F) Each primary care nursery shall have a clearly designated Level II and/or Level III and nursery to which it refers patients and from which it seeks consultation and advice. The telephone number of the Level III and/or Level II nursery, and the name of the nursery director shall be posted in the nursery. A log of communication between the general nursery and the referral nursery shall be maintained by the head nurse of the general nursery.

G) Consultation and Referral Protocols

- i) Protocols for management of certain disease states, and for consultation and referral shall be developed by the nursery director in conjunction with the director of the Level III or Level II unit to which referrals are sent.

- ii) These protocols shall spell out details for local management of disease states, and specific transfer criteria. These protocols shall be maintained in the nursery.

- 2) Intermediate and Intensive Care Areas. All of the conditions described above shall be in place except that infant cribs shall be separated by four to six feet of space to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. There should be 80 to 100 square feet of space for each infant cared for in the Level III or Intensive Care area.

3) Isolation facilities

- A) Facilities shall be available for the immediate isolation of all newborn infants who have, or are suspected of having an infectious disease
- B) When an infectious condition is thought to exist the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of ACOG, AAP, and "Control of Communicable Diseases Code" (77 Ill. Adm. Code 680).

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D) Personnel for care of mothers and infants. The personnel requirements and recommendations set forth in Subpart D₇ apply to the operation of the maternity department as do the following:

- 1) Nursing Staff - General Requirements
 - A) Nursing supervision by a registered professional nurse shall be provided for the entire twenty-four hour period for each occupied unit of the maternity and neonatal services. This nurse shall have education and experience in maternity and/or neonatal nursing.
 - B) At least one maternity and/or neonatal nurse trained in maternity and nursery care shall be assigned to the care of mothers and infants at all times. When infants are present in the nursery at least one person trained to give care to the newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.
 - C) A registered professional nurse must be in attendance at all deliveries, and must be available to monitor the mother's general condition and that of the fetus during labor and for at least two hours after delivery and longer if complications occur.
 - D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When necessary for the same nurse to care for both maternity and nonmaternity patients in the gynecologic unit, proper technique shall be stressed.
 - E) Nursing personnel are only permitted to be assigned to the maternity neonatal division for an entire shift.
 - F) Temporary relief from outside the maternity neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.
- 2) Nursing Staff - Level I or Primary Care for occupied units (in addition to General Care Requirements)
 - A) Labor and Delivery Unit Staffing should be planned to ensure that the total nursing personnel on each shift is equal to one half the average number of deliveries per 24 hours. At least half of the personnel on each shift should be R.N.'s and at no time should the nursing staff on any shift be less than two. The nursing staff of the labor, and post delivery recovery area should have not

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have other responsibilities in the labor/delivery suite except for emergencies.

- B) Postpartum and General Care Newborn Unit
 - i) If these units are organized as separate nursing units, staffing should be based on a formula of one nursing personnel per 6-8 patients and should ensure one R.N. per unit per shift.
 - ii) If the units are combined as a rooming-in or modified rooming-in unit, the nursing staff should be planned to provide one nursing personnel per four mother baby units and should never be staffed at less than two nursing personnel per shift. One should be a registered professional nurse (R.N.).
- C) At least one member of the nursing staff on each shift, who is skilled in cardiopulmonary resuscitation of the newborn, must be immediately available to the delivery suite and newborn nursery area.
- D) Changes in medical staff regulations, where applicable, should be provided to permit the perinatal medicine service to fully utilize the services of specially trained paramedical and nursing personnel where these personnel are needed and/or desired.
- 3) Nursing Staff - Level II Intermediate Perinatal Care Requirements: (in addition to General Care Requirements)₂
 - A) Labor and Delivery. At least one registered professional nurse on each shift must be competent in the use of continuous electronic fetal monitoring techniques.
 - B) Intermediate Care Nursery
 - i) A staffing ratio of one licensed nursing personnel per three or four infants must be available.
 - ii) Nursing personnel may be shared with the general care nursery as needed.
 - iii) There must never be less than two licensed nursing personnel available in the general and intermediate care nurseries, at least one of whom is a licensed registered professional nurse (R.N.).
- 4) Nursing Staff - Level III Tertiary Perinatal Care: (in addition to Intermediate Care

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Requirements).

A) Staffing patterns on each shift must be such that a 1:1 ratio between patients who require intensive care during labor and delivery and a registered professional nurse who is competent, by virtue of training and/or experience, in the care of high risk obstetric patients can be maintained as necessary. A ratio of at least one registered professional nurse to 1 1/2 patients shall be maintained at all times.

B) Neonatal intensive care nursing on a 1:1 basis must be available as indicated. A ratio of at least one registered professional nurse to 1 1/2 patients shall be maintained at all times.

5) Medical Personnel

A) Level I or Primary Care:

i) One physician should be Chief of Neonatal Care. He or she should be a board certified pediatrician. Where this is not possible, a physician with experience and regular practice may be the Chief and responsible for neonatal care, and a source of pediatric and/or neonatology consultation should be documented.

ii) The director of obstetrical service should be a board certified obstetrician. Where this is not possible, a physician with experience and regular practice may be Chief and responsible for obstetric care, and a source of obstetric consultation should be documented.

B) Level II or Intermediate Care:

i) A board certified pediatrician with special interest and training in neonatal/perinatal medicine, or a certified neonatologist should be Chief of Neonatal Care. A board certified obstetrician should be Chief of Obstetrical Care. Obstetrical anesthesia should be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff should also include a pathologist and an "on call" radiologist 24 hours a day. Specialized medical and surgical consultation should be readily available.

ii) Other staff: Laboratory and X-ray technicians in the hospital should be readily available at all times. In addition, a respiratory therapist may be part of the staff.

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C) Level III or Intensive Care:

i) The Chief of Neonatal Pediatrics should be eligible for certification by the American Board of Pediatrics' subspecialty board of neonatal/perinatal medicine, and is responsible for care in intensive care areas. Only physicians eligible for certification in neonatal/perinatal medicine should be responsible for care of infants in the Intensive Care area, but other physicians should be encouraged to participate. The Chief should be full-time with the hospital service. There should be sufficient number of qualified or certified neonatologists to assure availability of such care at all times. The chief of obstetric/perinatal service at the Level III facility should be a board certified obstetrician and preferably certified in fetal/maternal medicine.

ii) Pediatric medical and surgical subspecialists must be available for consultation. An anesthesiologist with special training in maternal fetal and neonatal anesthesia must be in charge of anesthesia services. A pathologist and radiologist with experience in interpretation of radiographs of neonatal patients should be members of the hospital staff.

6) Nutritionist Staff

A) For Level II units a registered dietitian with professional experience and/or course work which relates to perinatal maternal and newborn dietary management should be available.

B) For Level III units a registered dietitian with professional experience and/or course work which relates to perinatal maternal and newborn dietary management shall be available.

g) Practices and procedures for care of mothers and infants

1) The hospital shall effect all necessary precautionary measures against the admission to the maternity department of actual or suspected infectious patients.

2) Patients with clean obstetric complications (regardless of month of gestation) such as toxemia of pregnancy for observation and treatment, placenta praevia for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the maternity department and be under the same rules and regulations as any other maternity case. Refer to Section 250.1820(h)(6)(B).

3) The physician shall determine whether a prenatal serological test for syphilis has been done on each mother and the results recorded. If no such test has been done before

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the admission of the patients, the test shall be performed as soon as possible. Specimens may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge.

- 4) No maternity patient under the effect of an analgesic or an anesthetic, in active labor or delivery, shall be left unattended at any time.
- 5) Fetal maturity should be established and documented prior to elective inductions and Cesarean sections. There shall be a written policy and procedure established by the hospital concerning the administration of oxytocic drugs.

A) Oxytocin should be used for the challenge test only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures should be available to the team members assuming this responsibility. It is recommended that Oxytocin should be administered by controlled infusion.

B) Oxytocin should be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures should be available to the team members assuming this responsibility. It is recommended that the following be included in these policies:

- i) The attending physician should evaluate the patient for induction or stimulation, especially with regard to indications.
- ii) The physician or other individuals starting the Oxytocin should be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.
- iii) A qualified physician should be immediately available as is necessary to manage any complication effectively.
- iv) The intravenous route is the only acceptable mode of administration. It is recommended that an infusion pump, or other device for accurate control of the rate of flow, and a two-bottle system, one of which contains no Oxytocin substance be used.
- v) During Oxytocin administration, the following should be recorded at least every 15 minutes: fetal heart rate, frequency and character of contractions, rate of Oxytocin flow, and blood pressure. Continuous fetal monitoring is preferred; the fetal heart rate, the resting uterine tone, and the frequency, duration and intensity of contractions must be

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monitored electronically and recorded. Maternal blood pressure and pulse must be monitored and recorded at intervals comparable to the dosage regimen; that is, at 30-60 minute intervals, when the dosage is evaluated for maintenance, increase or decrease. Evidence of maternal and fetal surveillance must be documented.

- 6) Identification of Infants. The hospital shall use standards that are consistent with, but not limited to, procedures for the identification of newborn infants as recommended by the American Academy of Pediatrics which are as follows (Guidelines for Perinatal Care; American Academy of Pediatrics/American College of Obstetricians and Gynecologists; 1983; pg. 78):

A) "NEONATE IDENTIFICATION. While the newborn is still in the delivery room, two identical bands indicating the mother's admission number, the neonate's sex, and the date and time of birth should be placed on the wrist or ankle. The nurse in charge of the delivery room is responsible for preparing and securely fastening these identification bands to the neonate. The birth records and identification bands should be checked by both the nurse and the responsible physician before the neonate leaves the resuscitation area of the delivery room. When the neonate is admitted to the nursery, both the delivery room nurse and the admitting nurse should check the identification bands and birth records, verify the sex of the neonate, and sign the neonate's record. The admitting nurse should fill out the bassinet card and attach it to the bassinet. Later, when the neonate is shown to the mother, she should be asked to verify the information on the identification bands and the sex of the neonate. It is imperative that delivery room and nursery personnel be meticulous in the preparation and placement of neonate identification bands."

B) "Footprinting and fingerprinting have in the past been recommended for purposes of neonate identification. Techniques such as sophisticated blood typing are now available and appear to be more reliable. If utilized, dermatoglyphics should be done carefully. Individual hospitals may want to continue with footprinting and fingerprinting, but universal use of this practice is no longer recommended"

- 7) Prevention of ophthalmia neonatorum. Within one hour after delivery, a one percent silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. Do not irrigate immediately. This solution may be obtained free of charge from the Department's Division of Disease Control.

- 8) Cribside care. Each infant shall be given complete individual cribside care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent

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cross-infection.

- 9) Artificial feeding. Artificial feedings and formula changes shall not be instituted except by written order of the attending physician.

- 10) Facilities for drug services. Refer to Section 250.2130(a).

- 11) Transport of infants. Newborn infants shall be transported from the delivery room to the nursery safely. Transport should be in a heated incubator. Adequate support systems (heating, oxygen, suction) should be incorporated into the transport units for these infants (e.g. to x-ray). Chilling of the newborn and cross-infection must be avoided. Where travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.

- 12) Stay of baby. It is preferable that neonates be observed for 40 to 72 hours prior to discharge. Normal healthy infants should be discharged from the hospital simultaneously with the mother or to other authorized (by the mother) personnel should the mother remain in the hospital for an extended stay.

- 13) When patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursing or to another nursery which is nearest the home and at which an appropriate level of care may be provided.

- 14) Ritual circumcision. Circumcisions by a Mohel shall be performed under aseptic conditions. Such circumcisions shall not be performed in the delivery room. A registered nurse or physician shall be in attendance and attendance by visitors shall be limited.

- 15) A single parenteral dose of Vitamin K-1, water soluble 0.5 mgm, should be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder of the first days of life.

- 16) Circumcisions shall not be done under any circumstances in the delivery room or within the first six hours after birth and shall be delayed ordinarily until the age of 12 hours providing the infant is in stable condition. Circumcisions may be ordered and performed by a physician (licensed to practice medicine in all of its branches) between the ages of 6 hours and 12 hours only when in his/her professional judgment the facts do not require a delay to a later point in time.

- 17) It is recommended that hospitals adhere to the practices prescribed in the current edition of the American Academy of Pediatrics publication entitled, "Standards and Recommendations for Hospital Care of Newborn Infants," and the American College

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of Obstetricians and Gynecologists publication, "Standards for Obstetrics Gynecologic Hospital Standards."

h) Medical Records

1) Obstetric records.

- A) For each patient there shall be adequate, accurate, and complete medical records. The medical records shall include findings during the prenatal period which should be available in the maternity department prior to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.

- B) Minimum observations and laboratory tests outlined in the most current edition of the "Manual of Standards," American College of Obstetricians and Gynecologists, will be met. The physician director of the maternity department shall require all physicians delivering obstetrics care to send copies of the prenatal records to the obstetrical unit at or before 37 weeks gestation.

- 2) Infant records. For each infant there shall be accurate, and complete medical records. The medical records shall include

- A) History of maternal health and prenatal course.

- B) Description of labor, including drugs administered, method of delivery, complications of labor and delivery, and description of placenta and amniotic fluid.

- C) Time of birth and condition of infant at birth, including Apgar score at one and five minutes, age respiration became spontaneous and sustained, description of resuscitation if required, description of abnormalities and problems occurring from birth until transfer from the delivery room.

- D) Report of a complete and detailed physical examination within 24 hours following birth; report of a medical examination within 24 hours of discharge and one at least every three days during the hospital stay.

- E) Physical measurements including length, weight and head circumference at birth and weight every day, temperature twice daily, charted

- F) Documentation of infant feeding: intake, content, and amount if by formula.

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G) Clinical course during hospital stay including treatment rendered and patient response; clinical note of status at discharge. Reference: "Standards and Recommendations for Hospital Care of Newborn Infants," American Academy of Pediatrics and the American College of Obstetricians and Gynecologists publication, "Standards for Obstetrics-Gynecologic Hospital Standards."

3) Register of births. The hospital shall keep a record of births which contains data sufficient to duplicate the birth certificate. The requirement may be met

A) by retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or

B) by retaining this copy with the individual medical record.

i) Reports

1) Perinatal Activities Report

Each hospital that provides maternity service shall submit a monthly perinatal activities report on forms provided for this purpose by the Department. This report shall be signed by the administrator and the obstetric nursing supervisor and shall be mailed not later than the fifth of the following month. Refer to Section 250.1830(i).

2) Maternal Death Report

A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department. A death shall be reported when it involves any condition associated with gestation, such as normal pregnancy, abortion, or ectopic pregnancy, regardless of whether the death occurred in the maternity division or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere. This report shall also be made on the death of any woman within ninety days following the termination of a pregnancy.

B) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the death on the Maternity Activities Report.

3) Birth, Stillbirth, and Death Certificates. The hospital shall comply with the laws of the State and the regulations of the Department as regards the preparation and filing of birth, stillbirth, and death certificates.

4) Epidemic and Communicable Disease Reporting

A) Diarrhea of the newborn

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i) Diarrhea of the newborn is defined as, "The occurrence in any infant of four or more loose or watery or otherwise pathological stools in twenty-four hours, with or without weight loss, anorexia and listlessness."

ii) The occurrence of two or more cases of diarrhea, as defined above, constitutes an epidemic. The administrator of the hospital must report at once to both the local health authority and to the Illinois Department of Public Health by telephone or telegram.

iii) The regulations for the control of cases and contacts are stated in the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and are by reference made a part of these regulations.

B) Other epidemic infections

The occurrence of a diagnosed case of impetigo contagiosa shall be reported to the local health officer. The occurrence of two or more cases of impetigo contagiosa or other skin infection shall be reported in the same manner as for diarrhea. The occurrence of two or more epidemiologically related infections of staphylococcus aureus, hemolytic streptococcus and salmonella shall be reported to the Illinois Department of Public Health.

C) Ophthalmia Neonatorum or Syphilis

The occurrence of these diseases in the newborn infant shall be reported as required by the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690).

D) The hospital shall develop a protocol for management of infections described above and others such as herpes, hepatitis, and rubella, to protect the mother and infant. The procedures must be consistent with the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and with policies and procedures described by the Academy of Pediatrics in "Standards and Recommendations for Care of the Newborn in Hospitals" and "Report of the Committee on Infectious Diseases" and with USPHS "Isolation Techniques for use in Hospitals." These policies shall be known to maternity and nursery personnel.

j) Formula

1) If pasteurized, commercially prepared formula is used exclusively and no formula is prepared by the hospital, a formula room and formula room equipment are not required; however, adequate space, equipment and procedures acceptable to the

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Department for processing, handling and storing of commercially prepared formula shall be provided. Procedures and aseptic techniques shall be established and enforced. Provisions must be made for the preparation of special formula.

- 2) ^a All hospitals providing maternity or pediatric services, which prepare their own formula shall provide a well ventilated and well lighted formula room which shall be adequately supervised and used exclusively for the preparation of formulas.
- 3) Equipment shall include handwashing facilities with hot and cold running water with knee, foot or elbow controlled valves; a double section sink for washing and rinsing bottles; facilities for storing cleaning equipment, refrigeration facilities; utensils in good condition for preparation of formulas; cupboard and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a twenty-four hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.

k) Visiting regulations

- 1) The visiting regulations set forth in Subpart B shall apply to maternity departments, except as modified in this Part.
- 2) It is recommended that visitors be limited to two per patient at any one time.
- 3) Contact with the infant shall be restricted to the father, or one other adult selected by the mother, except as provided in subsection (k)(4) of this Section or as part of a rooming-in program as provided in Section 250.1850.

- 4) Siblings and grandparents may have contact with the infant only if the hospital has established specific policies and procedures for such a program ~~and the program has been approved by the Department as part of the hospital's Maternity and Neonatal Service Plan.~~ The program must include:

- A) Approval of the program by the hospital's Infection Control Committee and Governing Board;
- B) A requirement for written consent of the mother for visitation by specific siblings or grandparents;
- C) A procedure for handwashing of visitors prior to having contact with the infant; and
- D) A policy on the location where visitation will occur.

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- 5) The presence of the father or individual selected by the mother in the delivery room shall be discretionary with the individual hospital ~~and as approved by the Illinois Department of Public Health.~~ If the father of the baby is to be admitted to the delivery room of any hospital, the hospital shall first have adopted a policy statement on the matter which, among other things, establishes the following conditions:

- A) written consent of both the mother and the attending physician;
- B) prior orientation preparation of the father of the baby and mother to this experience; and
- C) application of safeguards against the introduction of infection or other hazard by the father of the baby.

D) ~~Exception to these regulations is possible if permission has been granted by the Illinois Department of Public Health for experimental programs.~~

- 6) Smoking shall be prohibited in the delivery rooms, nurseries, and corridors. (Refer to Section 250.250(g).)

- 7) Visiting hours shall not correspond with periods during which infants are with the mothers, nor with periods during which mothers are receiving nursing care, or interfere with the care of patients.

- 8) Visitors shall neither sit nor place their clothing upon the beds.

(Amended at 18 Ill. Reg. _____, effective _____)

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section 250.2450 Details

- a) Compartmentation, exits, automatic extinguishing systems and other details relating to fire prevention and fire protection shall comply with requirements listed in the appropriate sections of the NFPA Standard 101, Life Safety Code
- b) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall be located so as not to restrict corridor traffic or reduce the corridor width below the required minimum

c) Doors

- 1) Doors to patient rooms shall not be lockable from inside the room.

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2)

Special Locking Arrangements:

Electronic locking devices may be installed at specific locations to restrict egress or ingress for patient/staff safety or security provided each of the following is complied with and after receiving approval from the Department:

- A) The facility must submit a narrative to the Department providing a rationale for having a locked door in a required means of egress. The rationale must relate to security issues.
- B) The building must be protected by sprinkler or fire detection system approved by the Department.
- C) All locking system components must be U.L. listed.
- D) Cross corridor, smoke or control doors that are located in a required means of egress may only be secured with electronic locks and automatic release devices. The use of manual keys or tools only to unlock the door is not permitted.
- E) Locked doors must have continuous staff supervision (direct or electronic remote).
- F) No other type of locking arrangement may be used in a required means of egress.
- G) All locked doors must release automatically with actuation of the fire alarm system.
- H) All doors must release automatically with loss of electrical power to the locking device.
- I) All locks must initiate an irreversible process that will release the lock within 15 seconds whenever a force of not more than 15 pounds is continuously applied to the release device (knob, handle, or panic bar) for a period of not more than 3 seconds. Relocking of such doors shall activate a signal in the vicinity of the door to assure those attempting to exit that the system is functional. Delays of up to 30 seconds may be acceptable based on the program narrative.
- J) Permanent signs must be posted on locked doors that state "push until alarm sounds. Door will be opened in 15 seconds." Sign letters must be at least one inch high with 1/8 inch stroke. Signs may be omitted for security reasons

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based on review of the hospital's written rationale.

- K) Emergency lighting must be provided at all locked door locations.
- L) The local fire department must be fully apprised of locked doors or units and all related details of the system.
- M) Any discharge exit door may be locked against entry.
- N) Additional electronic release of locked doors initiated from a staff duty station is to be provided.
- O) No more than one such device may be installed in any path of travel to exit discharge.
- d) The minimum width of all doors to rooms needing access for beds or stretchers shall be 3'8". Doors to rooms needing access for wheelchairs shall have a minimum width of 2'10".
- e) Doors on all openings between corridors and rooms or spaces subject to occupancy, except elevator doors, shall be swing type. Openings to showers, baths, patient toilets, and other small wet-type areas not subject to fire hazard are exempt from this requirement. Sliding doors with a break and swing feature are acceptable.
- f) Doors, except those to spaces such as small closets which are not subject to occupancy, shall not swing into corridors in a manner that might obstruct traffic flow or reduce the required corridor width. (Large walk-in type closets are considered as occupiable spaces.)
- g) Windows shall be designed so that persons cannot accidentally fall out of them when they are open, or shall be provided with guards.
- h) Glazing
 - 1) Doors, sidelights, borrowed lights, and windows in which the glazing extends down to within 18 inches of the floor (thereby creating possibility of accidental breakage by pedestrian traffic) shall be glazed with safety glass, wire glass, or plastic glazing material that will resist breaking and will not create dangerous cutting edges when broken. Similar materials shall be used in wall openings or recreation rooms and exercise rooms. Safety glass or plastic glazing materials shall be used for shower doors and bath enclosures. Wire glass shall be used where required for fire safety.
 - 2) Safety glass or plastic glazing materials as noted above shall be used in windows and doors in patient areas of psychiatric facilities, if required by the program. See the Safety Glazing Materials Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 3-101 et seq.) for

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other requirements.

- i) Where labeled fire doors are required, these shall be certified by an independent testing laboratory as meeting the construction requirements equal to those for fire doors in NFPA Standard 80 (Fire Doors and Windows). Reference to a labeled door includes labeled frame and hardware.
- j) Elevator shaft openings shall be class B 1 1/2 hour labeled fire doors.
- k) Linen and refuse chutes shall meet or exceed the following requirements:
 - 1) Service openings to chutes shall not be located in corridors or passageways but shall be located in a room of construction having a fire-resistance of not less than one hour. Doors to such rooms shall be not less than class C 3/4 hour labeled doors.
 - 2) Service openings to chutes shall have approved self-closing class B 1 1/2 hour labeled fire doors.
 - 3) Minimum cross-sectional dimension of gravity chutes shall be not less than 2'0".
 - 4) Chutes shall discharge directly into collection rooms separated from incinerator, laundry, or other services. Separate collection rooms shall be provided for trash and for linen. The enclosure construction for such rooms shall have a fire-resistance rating of not less than two hours, and the doors thereto shall be not less than class B 1 1/2 hour labeled fire doors. External discharge containers need not be enclosed.
 - 5) Gravity chutes shall extend through the roof with provisions for continuous ventilation as well as for fire and smoke ventilation. Openings for fire and smoke ventilation shall have an effective area of not less than that of the chute cross-section and shall be not less than 4'-0" above the roof and not less than 6'0" clear of other vertical surfaces. Fire and smoke ventilating openings may be covered with single strength sheet glass.
 - 6) See NFPA Standard 82 (Incinerators and Rubbish Handling) for other requirements.
 - l) Dumbwaiters, conveyors, and material handling systems shall not open directly into a corridor or exitway but shall open into a room enclosed by construction having a fire-resistance rating of not less than one hour and provided with class C 3/4 hour labeled fire doors. Service entrance doors to vertical shafts containing dumbwaiters, conveyors, and material handling systems shall be not less than class B 1 1/2 hour labeled fire doors. Where horizontal conveyors and material handling systems penetrate fire rated walls or smoke partitions, such openings must be provided with class B 1 1/2 hour labeled fire doors for two hour walls and class C 3/4 hour labeled fire doors for one hour walls or partitions.

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- m) Thresholds and expansion joint covers shall be made flush with the floor surface to facilitate use of wheelchairs and carts.
- n) Grab bars shall be provided at all patients' toilets, showers, tubs, and sitz baths. The bars shall have 1 1/2 inch clearance to walls and shall have sufficient strength and anchorage to sustain a concentrated load of 250 pounds.
- o) Recessed soap dishes shall be provided at showers and bathtubs.
- p) Location and arrangement of handwashing facilities shall permit their proper use and operation. Particular care should be given to the clearances required for blade-type operating handles.
- q) Mirrors shall not be installed at handwashing fixtures in food preparation areas or in sensitive areas such as Nurseries, Clean and Sterile Supplies, and scrub sinks.
- r) Paper towel dispensers and waste receptacles (or electric hand dryers) shall be provided at all handwashing facilities except scrub sinks.
- s) Lavatories and handwashing facilities shall be securely anchored to withstand an applied vertical load of not less than 250 pounds on the front of the fixture.
- t) Radiation protection requirements of X-ray and gamma ray installations shall conform with National Council on Radiation Protection (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989). Provision shall be made for testing the completed installation and all defects must be corrected before use.
- u) Ceiling heights shall be as follows
 - 1) Boiler rooms shall have ceiling clearances not less than 2'-6" above the main boiler header and connecting piping
 - 2) Radiographic, Operating and Delivery Rooms, and other rooms containing ceiling mounted equipment or ceiling mounted surgical light fixtures shall have height required to accommodate the equipment or fixtures
 - 3) All other rooms shall have not less than 8'0" ceilings except that corridors, storage rooms, toilet rooms, and other minor rooms shall be not less than 7'8". Suspended tracks, rails, and pipes located in the path of normal traffic shall be not less than 6'8" above the floor

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- v) Recreation Rooms, Exercise Rooms, and similar spaces where impact noises may be generated shall not be located directly over patient bed areas, delivery or operating suites, unless special provisions are made to minimize such noise.
- w) Rooms containing heat-producing equipment (such as Boiler or Heater Rooms and Laundries) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 100°F. (60°C.) above the ambient room temperature.
- x) Noise reduction criteria shown in the following table shall apply to partition, floor, and ceiling construction in patient areas. (See Section 250. Table B for sound transmission limitations in general hospitals.) (Not applicable to existing.)
- y) Elevators. All hospitals having patients' facilities (such as Bedrooms, Dining Rooms, or Recreation Areas) or critical services (such as Operating, Delivery, Diagnostic, or Therapy) located on other than the main entrance floor shall have electric or electrohydraulic elevators.

1) Number of Elevators.

- A) At least one hospital-type elevator shall be installed where 1 to 59 patient beds are located on any floor other than the main entrance floor.
- B) At least two hospital-type elevators shall be installed where 60 to 200 patient beds are located on floors other than the main entrance floor, or where the major inpatient services are located on a floor other than those containing patient beds. (Elevator service may be reduced for those floors which provide only partial inpatient services.)
- C) At least three hospital-type elevators shall be installed where 201 to 350 patient beds are located on floors other than the main entrance floor, or where the major inpatient services are located on a floor other than those containing patient beds. (Elevator service may be reduced for those floors which provide only partial inpatient services.)

D) For hospitals with more than 350 beds, the number of elevators shall be determined from a study of the hospital plan and the estimated vertical transportation requirements

2) Cars and Platforms. Cars of hospital-type elevators shall have dimensions that will accommodate a patient bed and attendants and shall be at least 5'0" by 7'6". The car door shall have a clear opening of not less than 3'8".

3) Leveling. Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type with an accuracy of +1/2 inch.

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- 4) Operation. Elevators, except freight elevators, shall be equipped with a two-way special service key operated switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.
- 5) Elevator controls, alarm buttons, and telephones shall be accessible to physically handicapped.
- 6) Elevator call buttons, controls, and door safety stops shall be of a type that will not be activated by heat or smoke.
- 7) Inspections and tests shall be made and written certification be furnished that the installation meets the requirements set forth in this Section and all applicable safety regulations and codes.

7) Provisions for Natural Disasters

- 1) General Requirements. An emergency radio communication system is desirable in each facility. If installed, this system shall be self-sufficient in time of emergency and shall also be linked with the available community system and state emergency medical network system, including connections with police, fire, and civil defense system.
- 2) Earthquakes. In regions where local experience shows that earthquakes have caused loss of life or extensive property damage, buildings and structures shall be designed to withstand the force assumptions specified in the ICBO Uniform Building Code. Seismic zones are identified on the map as shown in Section 250. Illustration A.
- 3) Hurricanes, Tornadoes, and Floods. Special provisions shall be made in the design of buildings in regions where local experience shows loss of life or damage to buildings resulting from hurricanes, tornadoes, or floods.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

1) Heading of the Part:

Regional Ambulance Services Code

2) Code Citation:

77 Ill. Adm. Code 547

3) Section Numbers:

547.100 New Section
 547.200 New Section
 547.300 New Section
 547.400 New Section
 547.500 New Section
 547.600 New Section
 547.700 New Section

Proposed Action:4) Statutory Authority:

Regional Ambulance Services Law
 Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 8301 et seq. [55 ILCS 110]

5) A Complete Description of the Subjects and Issues Involved:

These rules are being proposed to implement the Regional Ambulance Services Law (Law), which requires the Department to adopt rules establishing standards of eligibility for counties to receive grants that may be awarded under the Law. Two or more contiguous counties may qualify for a grant under the Law and the rules if they meet the population and medical need requirements of the Law, create a regional ambulance system board, and designate an officer or agency to be responsible for administering grant funds.

The Department's rules include Definitions, Incorporated Materials, Eligibility to Apply for Grants, Grant Project Requirements, Application Requirements, Review of Applications and Use of Grant Funds. Regional ambulance services applying for grant funds are required to conduct a needs assessment; to coordinate services with existing providers; and to comply with all requirements of the Emergency Medical Services Systems Act and the Emergency Medical Services Code.

Fiscal year 1994 is the first year that this program has been funded. Applications must be received by the Department by June 1, 1994. Grant funds for fiscal year 1994 will be distributed equally among all eligible applicants.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the Notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ___ No X7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?Yes ___ No X9) Are there any other Proposed Amendments Pending on this Part?Yes ___ No XIf Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
_____	_____	_____
_____	_____	_____

10) Statement of Statewide Policy Objectives:

This rulemaking will affect regional ambulance services that participate in the grant program

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

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Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

None

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

Professional skills necessary to operate a regional ambulance service.

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: EMERGENCY MEDICAL SERVICES
AND HIGHWAY SAFETY

PART 547

REGIONAL AMBULANCE SERVICES CODE

Section	Definitions
547.100	Incorporated Materials
547.200	Eligibility to Apply for Grants
547.300	Grant Project Requirements
547.400	Application Requirements
547.500	Review of Applications
547.600	Use of Grant Funds

AUTHORITY: Implementing and authorized by the Regional Ambulance Services Law (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 8301 et seq.) [55 ILCS 110].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

NOTE: Italics and Capitalization denote statutory language.

SUBPART A: GENERAL PROVISIONS

Section 547.100 Definitions

Act - the Regional Ambulance Services Law (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 8301 et seq.) [55 ILCS 110], effective August 27, 1990.

AMBULANCE - ANY PUBLICLY OR PRIVATELY OWNED VEHICLE THAT IS SPECIFICALLY DESIGNED, CONSTRUCTED OR MODIFIED AND EQUIPPED, AND IS INTENDED TO BE USED FOR, AND IS MAINTAINED OR OPERATED FOR THE EMERGENCY TRANSPORTATION OF PERSONS WHO ARE SICK, INJURED, WOUNDED OR OTHERWISE INCAPACITATED OR HELPLESS (Section 4.05 of the Emergency Medical Services Systems Act).

BOARD - ANY REGIONAL AMBULANCE SYSTEM BOARD ESTABLISHED PURSUANT TO the Act. (Section 1003 of the Act)

Department - the Illinois Department of Public Health.

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DESIGNATED SHORTAGE AREA - A MEDICALLY UNDERSERVED AREA OR HEALTH MANPOWER SHORTAGE AREA AS DEFINED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OR AS DETERMINED BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. (Section 1003 of the Act)

Division - the Division of Emergency Medical Services and Highway Safety, Department of Public Health.

REGIONAL AMBULANCE SERVICES - AMBULANCE SERVICES USED BY 2 OR MORE COUNTIES. (Section 1003 of the Act)

Section 547.200 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 5501 et seq.) [210 ILCS 50].
- b) Emergency Medical Services Code (77 Ill. Adm. Code 385).

Section 547.300 Eligibility to Apply for Grants

- a) The following counties MAY QUALIFY FOR A GRANT AUTHORIZED BY the Act: TWO OR MORE CONTIGUOUS COUNTIES

- 1) - HAVING AN AGGREGATE POPULATION OF 20,000 OR FEWER PERSONS, OR
- 2) COMPRISING ALL COUNTIES WITHIN A REGION DESIGNATED PURSUANT TO "AN ACT TO PROVIDE FOR REGIONAL PLANNING AND FOR THE CREATION, ORGANIZATION AND POWERS OF REGIONAL PLANNING COMMISSIONS," (Ill. Rev. Stat. 1991, ch. 34, pars. 5-14001 et seq.) [55 ILCS 5] AND SITUATED WITHIN THE SAME REGION DESIGNATED PURSUANT TO THAT ACT, OR

- 3) COMPRISING ALL COUNTIES WITHIN A DESIGNATED SHORTAGE AREA. (Section 1005 of the Act)

- b) Counties meeting the requirements of subsection (a) above shall be considered eligible to apply for grants under the Act by:

- 1) THE ENACTMENT OF APPROPRIATE RESOLUTIONS CREATING A REGIONAL AMBULANCE SYSTEM BOARD, AS PROVIDED IN SECTION 1006 of the Act;

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AND

- 2) DESIGNATING THE OFFICER OR AGENCY TO BE RESPONSIBLE FOR ADMINISTERING GRANT FUNDS; (Section 1005 of the Act) and

- 3) Submitting an application to the Department in accordance with the requirements of Section 547.500.

Section 547.400 Grant Project Requirements

- a) EACH BOARD SHALL CONDUCT AN AMBULANCE SERVICE NEEDS ASSESSMENT IN THE COUNTIES UNDER ITS JURISDICTION (Section 1007 of the Act), including the following:

- 1) The need for a regional ambulance service, including personnel and equipment needs, and the methodology used to determine that need;
- 2) How the Board plans to meet the need for a regional ambulance service;
- 3) A description of the existing ambulance services in the counties under the Board's jurisdiction, including private ambulance services.

- b) EACH BOARD SHALL DEVELOP A PLAN FOR REGIONAL AMBULANCE SERVICES, INCLUDING THE DEVELOPMENT OF RESOURCES AND COORDINATION WITH EXISTING AMBULANCE SERVICES. (Section 1007 of the Act)

- c) Regional ambulance services receiving funds under this Part shall provide service to all residents in the counties under the Board's jurisdiction.

- d) Regional ambulance services shall comply with all requirements of the Emergency Medical Services Systems Act and the Emergency Medical Services Code.

Section 547.500 Application Requirements

- a) Applications shall be submitted to the Department at the following address

Regional Ambulance Services Grant Project
Illinois Department of Public Health
Division of Emergency Medical Services
525 W. Jefferson St., 3rd Floor
Springfield, Illinois 62761

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b) Applications shall include the following:

- 1) The officer or agency designated by the regional ambulance service to be responsible for administering grant funds;
- 2) The results of the needs assessment conducted pursuant to Section 547.400;
- 3) The organization and responsibilities of the Board;
- 4) The operations budget of the regional ambulance service, including projections on how and when the regional ambulance service will become self-sufficient, and a description of local financial support or in-kind service;
- 5) A staffing plan for the regional ambulance service;
- 6) An agreement by the applicant to ensure that the requirements of the Emergency Medical Services Systems Act will be met;
- 7) A description of the proposed interaction between any existing ambulance services and the regional ambulance service;
- 8) A description of the support of the local medical communities for the regional ambulance service;
- 9) A plan for quality management, including an evaluation of the project to be submitted to the Department after the first six months of operation, that indicates:
 - A) the amount of grant funds expended and a description of expenditures;
 - B) changes that have occurred in service provided as a result of the grant project; and
 - C) an evaluation of the effectiveness of the officer or agency designated by the regional ambulance service to be responsible for administering grant funds.
- 10) A description of a plan for the provision of education for ambulance service personnel and a plan for public education by the regional ambulance service;
- 11) A description of the responsibilities of service providers, including maintenance of vehicles and equipment;
- 12) A description of the communications system that will be used by the regional ambulance service; and

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- 13) The name, address, and telephone number of the person to whom questions and information concerning the application and the grant project are to be directed.

Section 547.600 Review of Applications

- a) Applications for grant projects for the fiscal year ending on June 30, 1994, must be received by the Department on or before June 1, 1994.
- b) Applications will be reviewed by the Department for compliance with the requirements of this Part. During the course of its review, the Department may contact the applicant for additional information if the information provided is incomplete, inconsistent, or unclear.
- c) Applicants whom the Department determines not to be eligible for grant funds will be notified in writing of the reason(s) for the Department's determination.
- d) After July 1, 1994, applications for grant funds must be received by March 1 of each year. Applicants will be notified of eligibility by June 30 of each year.
- e) Grant funds will be distributed equally among all eligible applicants.

Section 547.700 Use of Grant Funds

- a) Grant funds shall be spent in accordance with the operations budget referenced in Section 547.500(b)(4) of this Part.
- b) Grant funds may be used to meet operational expenses of a regional ambulance service during its start-up phase when reimbursements have not yet met expenses.
- c) Grant funds may be used to meet expenses associated with consolidations of ambulance service providers into a regional ambulance service.
- d) Grant funds may be used to provide training for employees, prehospital care personnel, or volunteers specific to the needs of the project, and for business associates of the ambulance services, such as training officers or members of Boards of Directors.
- e) Grant funds may be used to establish telecommunications and computer capabilities for a Regional Ambulance Service.
- f) Grant funds shall not be used to establish services where private providers are in operation and their services have not been found to be inadequate.

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NOTICE OF PROPOSED REPEALER

1) Heading of the Part:

Rules and Regulations to Carry Out Provisions of Titles XVIII and XIX of the Social Security Act Relating to Skilled Nursing and Intermediate Care Facilities

2) Code Citation:

77 Ill. Adm. Code 420

3) Section Numbers:Proposed Action:

420.1	Repealer
420.2	Repealer
420.10	Repealer
420.20	Repealer
420.30	Repealer
420.40	Repealer
420.50	Repealer
420.60	Repealer
420.61	Repealer

4) Statutory Authority:

Civil Administrative Code

Ill. Rev. Stat. 1991, ch. 127, par. 55.27 [20 ILCS 2310/55.27]

5) A Complete Description of the Subjects and Issues Involved:

These rules were originally adopted to implement provisions of the Social Security Act concerning skilled nursing facilities, as well as an agreement between the Department and the Department of Public Aid relating to implementation of Title XIX of the Social Security Act. The rules are being proposed for repeal because they duplicate more recent procedures that have replaced them, and they are no longer needed. The Department's authority to carry out inspections under Title VIII and Title XIX of the Social Security Act is currently provided in two agreements: "Agreement Between the Secretary of Health and Human Services and the State of Illinois to carry out the provisions of Sections 1864, 1874 and related provisions of the Social Security Act, as amended," dated June 24, 1985, which covers Title XVIII; and an agreement entitled "Agreement (DPA-DPH) For Utilization Control, Quality Incentive Program and Medicaid Enrollment," dated July 1, 1986, which covers Title XIX. The existence of these rules, which the Department no longer uses, can be misleading to the regulated public and provide an inaccurate reflection of the Department's implementation of federal requirements.

The economic effect of this proposed repealer is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes No X

9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: LONG-TERM CARE FACILITIES

PART 420

RULES AND REGULATIONS TO CARRY OUT PROVISIONS OF
TITLES XVIII AND XIX OF THE SOCIAL SECURITY ACT
RELATING TO SKILLED NURSING AND INTERMEDIATE CARE FACILITIES

Section

420.1	Authority - Applicability
420.2	Definitions
420.10	Participation in Title XVIII
420.20	Participation in Title XIX
420.30	Participation in Titles XVIII and XIX
420.40	Standards for Participation
420.50	Change of Ownership
420.60	Denial, Termination or Renewal of Certification of Facilities Participating in Title XIX
420.61	Informal Reconsideration

AUTHORITY: Authorized by and implementing Ill. Rev. Stat. 1979, ch. 127, par. 55.27.

SOURCE: 3 Ill. Reg. 34-227, effective August 25, 1979; amended at 3 Ill. Reg. 50-293, effective November 30, 1979; amended at 4 Ill. Reg. 45-171, effective October 28, 1980, amended at 6 Ill. Reg. 3875, effective March 29, 1982; repealed at 18 Ill. Reg. _____, effective _____.

Section 420.1 Authority - Applicability

a) These rules are promulgated by the Department of Public Health, State of Illinois, to implement:

- 1) the Department's agreement with the Secretary of Health, Education and Welfare to carry out the provisions of Section 1864 and related provisions of the Social Security Act (42 USC 1395aa) which deal with skilled nursing facilities, and
- 2) the provisions of the Department's agreement with the Illinois Department of Public Aid relating to the Illinois State Medical Assistance Program, Title XIX (42 USC 1396a - 1396k).

The Department pursuant to Ill. Rev. Stat. 1977, ch. 127, par. 55.27, receives federal funds to carry out the referenced agreements.

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A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

None.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

D) Types of Professional Skills Necessary for Compliance:

The full text of the Proposed Repealer begins on the next page:

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- b) These rules apply to all facilities as defined in Section 420.2(g) which participate in or make application to participate in Title XVIII and/or Title XIX of the Social Security Act, 42 USC 1395-1396k.

Section 420.2 Definitions

- a) The term "Department" means the Department of Public Health, State of Illinois.
- b) The term "IDPA" means the Department of Public Aid, State of Illinois.
- c) The term "Secretary" means the Secretary of Health, Education and Welfare.
- d) The term "Title XVIII" means the Health Insurance for Aged and Disabled Program, 42 USC 1395-1395rr.
- e) The term "Title XIX" means the Grants to States for Medical Assistance Program, 42 USC 1396-1396k.
- f) The term "Nursing Home Act" means the Nursing Home Reform Act of 1979, as amended, Ill. Rev. Stat. 1979, ch. 111 1/2, par. 4151-101 et seq.
- g) The term "facility" means any (a) private home, institute, building, residence or other place which is subject to the Nursing Home Act; (b) any hospital licensed pursuant to the Hospital Licensing Act, Ill. Rev. Stat., ch. 111 1/2, par. 142, which provides skilled nursing or intermediate nursing services; or (c) any home, institution or other place operated by the federal government or agency thereof or by the State of Illinois which provides skilled nursing or intermediate care services.

- h) The term "Minimum Standards" means the Minimum Standards Rules and Regulations for Long-Term Care Facilities promulgated by the Department pursuant to the Nursing Homes Act and which are currently on file with the Secretary of State's Office.

Section 420.10 Participation in Title XVIII

- a) Pursuant to the Department's agreement with the Secretary, Section 1864(a) of the Social Security Act and 42 CFR 405.1902, the Department will survey each facility participating in Title XVIII at least annually and make a recommendation to the Secretary as provided for in paragraph (c) of this Section. The Secretary will determine whether a provider's facility is eligible to participate in Title XVIII.

- b) Providers of skilled nursing services who wish to participate in Title XVIII must if they are subject to the Nursing Homes Act be licensed as a skilled nursing facility or if they are subject to the Hospital Licensing Act, Ill. Rev. Stat. 1977, ch. 111 1/2, par. 142, et seq. be licensed pursuant thereto, and make application to the Department by submitting

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a completed SSA-1516 form which may be obtained from the Department. The Department will survey each facility and make a recommendation as provided for in paragraph (c) of this Section. The Secretary shall determine whether the provider's facility is eligible to participate in Title XVIII.

- c) The Department's recommendation will be made in accordance with the provisions contained in 42 CFR 405.1902. The Department will base its recommendation upon the provider's compliance with the standards for participation contained in Section 420.40 of this Title.

Section 420.20 Participation in Title XIX

- a) A provider who wishes to have his facility participate in Title XIX must if subject to the Nursing Home Act (ref: Section 420.2f of this Title) be licensed to operate the facility under that Act or if subject to the Hospital Licensing Act, Ill. Rev. Stat., ch. 111 1/2, par. 142, et seq. be licensed pursuant thereto and make application by submitting to the Department a completed SSA-1516 form which may be obtained from the Department.
- b) Pursuant to the Department's agreement with IDPA, Section 1396a(a)(9) of the Social Security Act and 42 CFR 442.101, each facility participating in or making application to participate in Title XIX must be certified by the Department, as provided for in 42 CFR Part 442 Subpart C, before IDPA may execute a provider agreement with the facility under 42 CFR 442.12.
- c) The Department will certify facilities in accordance with the provisions of 42 CFR Part 442 Subpart C. The Department will base its decision to certify a facility upon the facility's compliance with the standards for participation as set forth in Section 420.40 of these rules. The facility's compliance will be determined by Department surveys of the facility.
- d) The Department under 42 CFR 442.110 may not certify a facility for more than twelve (12) months. Each facility certified by the Department must have its certification renewed by the Department before IDPA may execute a new provider agreement with the facility. The requirements for the renewal of certification are the same as those for the certification of a facility which are set forth in paragraph (c) of this Section.

Section 420.30 Participation in Titles XVIII and XIX

- a) This Section sets forth the rules applicable to providers of both skilled nursing services and intermediate care services who wish to participate in both Titles XVIII and XIX.
- b) Providers who wish to participate in Titles XVIII and XIX must if subject to the Nursing Home Care Reform Act of 1979, Ill. Rev. Stat., ch. 111 1/2, par. 4151-101, et seq. be licensed to operate the facility under that Act or if subject to the Hospital Licensing Act,

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Ill. Rev. Stat., ch. 111 1/2, par. 142, et seq. be licensed pursuant thereto and make application for participation in both Titles XVIII and XIX by submitting to the Department a completed SSA-1516 form which may be obtained from the Department.

- c) Two separate certification determinations are required for participation in both Titles XVIII and XIX; one for the skilled nursing services and one for the intermediate care services.
- d) Certification for skilled nursing services is obtained in accordance with Section 420.10(b) and (c) of this Title.
- e) Compliance with the requirements for certifying the intermediate care services is made by the Department as provided for in Section 420.20(c) and (d) of this Title.

Section 420.40 Standards for Participation

- a) The standards for participation in Title XVIII as follows:

- 1) the provider's facility must meet the Department's Minimum Standards for skilled nursing facilities,
- 2) the provider's facility must meet the federal definitions of a skilled nursing facility contained in 42 USC 1395x(j), and
- 3) the federal conditions of participation set forth in 42 CFR Part 405 Subpart K.

- b) The standards for participation in Title XIX are as follows:

- 1) the provider's facility must meet the Department's Minimum Standards for the category of service the facility is licensed to provide;*
- 2) if the provider's facility participates or applies to participate in Title XIX as a skilled nursing facility it must meet:
 - A) the federal definition of a skilled nursing facility contained in 42 CFR 442.202(a) and (b),
 - B) the federal conditionals of participation set forth in 42 CFR Part 405 Subpart K,
 otherwise the facility must meet the federal standards for the category of services provided by the facility which are set forth in 42 CFR Part 442 Subparts, E, F, and G.

DEPARTMENT OF PUBLIC HEALTH

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- c) The standards for participation in Title XIX for facilities licensed for more than one category of service are the applicable standards contained in paragraph (b) of this Section for each category of service that is to participate in Title XIX.

* COMMENT: Pursuant to the Nursing Home Act the Department licenses facilities based on the services provided, the classifications of facilities licensed by the Department are: skilled nursing facilities, intermediate care facilities, intermediate care facilities for developmentally disabled, community living facilities and sheltered care facilities.

Section 420.50 Change of Ownership

This Section shall apply to facilities which are certified by the Department for participation in Title XIX and which changes ownership. For purposes of this Section, a change of ownership is that described in 42 CFR 489.18. When a facility changes ownership:

- a) the provisions of 42 CFR 442.14 shall apply,
- b) the provider shall inform the Department of the change of ownership.
- c) the Department shall inform the provider who acquires the facility of any existing plan of correction upon which certification was based and the expiration date of the facility's current certification.

Section 420.60 Denial, Termination or Nonrenewal of Certification of Facilities, Participating in Title XIX

- a) If the Department takes action to deny, terminate, or not renew a facility's certification, the facility shall be offered the opportunity for an administrative hearing as provided for in the "Rules for Joint Department Actions Against Skilled Nursing Facilities and Intermediate Care Facilities Participating in the Medicaid Program," which are promulgated jointly by IDPH and IDPA and currently on file with the Secretary of State's Office. Hearings initiated prior to the effective date of this rule shall be conducted by the Department under the requirements set forth in 42 CFR 431.153, the requirements for contested cases set forth in the Illinois Administrative Procedure Act, Ill. Rev. Stat. 1977, ch. 127, par. 1001 et seq., and the Department's Rules of Practice and Procedure in Administrative Proceedings which are currently on file with the Secretary of State's Office (Title 77, Part 100).

- b) If the opportunity for an evidentiary hearing under the requirements set forth in paragraph (a) of this Section is provided after the effective date of a denial, termination or nonrenewal of the facility's certification, the Department will offer the facility an informal reconsideration as provided for in Section 420.61 of these Rules and 42 CFR 431.154.

- c) Once a facility's certification has been terminated or denied, prior to re-entry, the facility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

must comply with Section 420.40 and show compliance on two consecutive surveys, approximately 60 days apart from the date of the first re-entry survey. The earliest date which the facility's recertification may begin is sixty (60) days from the date of the facility's first survey to establish eligibility.

Section 420.61 Informal Reconsideration

- a) An informal reconsideration of the Department's decision to deny, terminate or not renew a facility's certification shall be made by the Department in accordance with the following rules.
- b) The facility shall be notified in writing of the Department's decision to deny, terminate or not renew certification. The notification shall include:

- 1) a reference to the rules involved,
- 2) a short and plain statement of the basis upon which the Department's decision is made,
- 3) a statement as to the time and place that the provider may submit a written response refuting the basis of the Department's decision. The date set for receipt of the provider's response shall be at least ten (10) days from the date of receipt of this notice.

- c) Failure of the provider to submit a written response as provided for in paragraph (b) of this Section shall constitute a waiver of the provider's right to such opportunity.

- d) Subsequent to receiving and reviewing the provider's response under paragraph b(3) of this Section or upon waiver of the opportunity to submit such a response the Department shall send the provider a written affirmation or reversal of the denial, termination or nonrenewal. If the Department's decision is to deny, terminate or not renew the facility's certification, the provisions of Section 420.60(a) shall apply.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Board Meetings
- 2) Code Citation: 11 Ill. Adm. Code 206
- 3) Section Numbers: 206.10 Proposed Action: Amendment
206.20 Amendment
206.30 Amendment
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking removes unnecessary language
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 12/27/93
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 206
BOARD MEETINGS

Section

206.10 Request for Board Action
206.20 Board Meeting Agenda
206.30 Annual Notice of Monthly

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (11, Rev. Stat. 1970 1991, ch. 8, pars. 37-9(b)) (230 ILCS 5/9(b)). <http://www.legis.il.gov/legislation/parade/parade.htm/37/9/b/1/>

SOURCE: Adopted at 5 Ill. Reg. 10331, effective September 25, 1981; codified at 5 Ill. Reg. 10878; amended at 18 Ill. Reg. _____, effective _____.

Section 206.10 Request for Board Action

- a) All persons who seek Board action shall submit a request or application to the Board in writing no later than fifteen (15) calendar days before the date of the Board meeting at which the request or application is to be heard. *The Board, however, may take action without delay if the request or application were timely made in a letter or e-mail to the Board, either agency, board, or not have been submitted.*

- b) This rule shall not apply/ to requests for hearings under Section 37(16) of the Act/ Part 204 (11 Ill. Adm. Code 204) or to applications for the conduct of race meetings which shall be heard/ conducted pursuant to Section 37(20)(ii) of the Act/ its request/ for approval/ of racing/ of the/ which are governed by Chapter B22 (11/11/11 Admin./Code/Part 422)/ or its request/ for certification/ its request/ which are governed by Chapter B21 (11/11/11 Admin./Code/Part 402)/ Part 205 (11 Ill. Adm. Code 205)

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

Section 206.20 Board Meeting Agenda

- a) ~~The Secretary shall~~ The Board shall prepare for each Board meeting an agenda. ~~When~~ Said agenda shall constitute notice of the matters to be heard by the Board at that meeting. Copies of the agenda shall be made available free of charge to ~~the~~any ~~and~~ all interested persons.
- b) The Board may take action on matters that do not appear on the agenda ~~for the Board meeting~~ only if the Board finds that an emergency exists and that such an emergency could not have been anticipated. However, the Board shall neither amend its Dates Order (e.g. change of dates, change of hours, or matters relating to purses) nor waive the applicability of any of its rules or regulations unless notice of the matter appears on the printed agenda.

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

Section 206.30 Annual Notice of Monthly Meetings

The Board shall publish on or before January 1 its tentative schedule of monthly Board meetings for that calendar year. This publication, however, shall not preclude the Board from changing the date of a meeting when necessary to achieve the attendance of the maximum number of Board members. The Secretary Board will notify all interested parties whenever a meeting date is changed.

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- | | | |
|-----|--|---|
| 1) | <u>Heading of the Part:</u> Charitable Funds | |
| 2) | <u>Code Citation:</u> 11 Ill. Adm. Code 208 | |
| 3) | <u>Section Numbers:</u> 208.10
208.20
208.30
208.40
208.100
208.110
208.120 | <u>Proposed Action:</u> Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment |
| 4) | <u>Statutory Authority:</u> 230 ILCS 1992, 5/1 et seq. | |
| 5) | <u>A complete description of the subjects and issues involved:</u> This rulemaking reorganizes Part 208, unnecessary or duplicative language has been removed. | |
| 6) | <u>Will these proposed amendments replace emergency amendments currently in effect?</u> No. | |
| 7) | <u>Does this rulemaking contain an automatic repeal date?</u> No. | |
| 8) | <u>Do these proposed amendments contain incorporation by reference?</u> No. | |
| 9) | <u>Are there any other proposed amendments pending in this Part?</u> No | |
| 10) | <u>Statement of Statewide Policy Objectives:</u> No local governmental units will be required to increase expenditures. | |

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to the Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
- | | |
|--|----------|
| A) <u>Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:</u> | 12/27/93 |
| B) <u>Types of small business affected:</u> | None |
| C) <u>Reporting, bookkeeping or other procedures required for compliance:</u> | None |
| D) <u>Types of professional skills necessary for compliance:</u> | None |

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 208
CHARITABLE FUNDS

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section	
208.10	Application <i>Procédure</i>
208.20	General Program Requirements
208.30	Funding Priorities
208.40	Award of Charitable Funds

SUBPART B: FISCAL AND MONITORING REQUIREMENTS

208.100	Use Of Funds
208.110	Accounting Requirements
208.120	Audits

AUTHORITY: Implementing and authorized by Sections 9(b) and 31.1 of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b) and 5/31.1).

SOURCE: Adopted at 13 Ill. Reg. 1232, effective January 13, 1989; amended at 18 Ill. Reg. _____, effective _____.

[illegible]

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section 208.10 Application Procedure

- Pursuant to Section 27-2.1 of the Illinois Horse Racing Act of 1975 (405/111/1975/1987/CHS/PAR/137-2.1) (230 ILCS 5/31-1), the Illinois Racing Board (Board) shall annually distribute such funds 44/456 collected from organization licensees pursuant to the 244/456 Act.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD/WHO/ATTN: REQUESTED/FUNDING/REG./APPLICATIONS/INVEST/IN THE
SPECIFICATIONS/OF/FUNDING/POSITIONS/AS/OPPOSED/TO/LUMP/SUM/SALARY
EXPENSES/WHICH/BE/SPENT/WHICH/BE/DEEMED/INCOMPLETE/ APPLICATIONS
DEEMED/INCOMPLETE/WHICH/BE/BOARD/Incomplete applications shall be
returned to the applicant, with a written explanation as to how
the materials are incomplete and a date by which the additional
materials are to be submitted./WITHIN/30/DAYS/OF/THE/BOARD'S
RECEIPT/OF/THE/APPLICATION./NO/INCOMPLETE/Incomplete
application WILL shall not be considered. APPLICATION/MATERIALS
MAY/BE/Obtained/FROM/THE/BOARD'S/OFFICE/AT/THE/ABOVE/ADDRESSES/

b) ELIGIBILITY/ENTITIES

1) Any private/not-for-profit entity/may apply to the Board
for funds/purchase to/section 5/31.1(b) of the Act. Any
non-profit organization that provides medical and family
counseling, and similar services to persons who reside or
work on the backstretch of Illinois racetracks may apply
for funds pursuant to section 5/31.1 of the Act (230 ILCS
5/31.1). Each applicant APPLICATION must be able to
document its not-for-profit status with a 501(c)(3)(26
U.S.C. 501(c)(3)) Internal Revenue Service ruling or a
letter from the Illinois Attorney General's Charitable
Trust Division containing the applicant's current
registration number and confirming that the applicant is
current in the filing of their financial reports.

2) Any private/not-for-profit entity/which is DEDICATED/TO/THE
TREATMENT/OF/STUDY/OF/CHRONIC/GAMBLERS/OR/RESEARCH/AND
EDUCATION/RELATED/TO/CHRONIC/GAMBLING/OF/PROVIDES
EDUCATION/PREVENTION/COUNSELING/AND/TREATMENT/REFERRAL/TO
PERSONS/LIVING/OF/WORKING/IN/THE/RACING/COMMUNITY/WHO
SUFFER/FROM/DISEASES/OF/ADDICTION/may apply for funding
purchase to/section 5/31.1(b) of the Act/privately
not-for-profit entities/must be able to document their
not-for-profit status/AS/required/by/section 208.10(b)(1)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 208.20 General Program Requirements

- a) Recipients of funding shall not deny charitable services on the basis of race, sex, age, religion, national origin or handicap. Recipients of funding shall not discriminate in the hiring or promotion of staff on the basis of race, sex, age, religion, national origin or handicap.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) Client intake policies and procedures shall be set forth in writing and shall be available for review by the Board./WHEN
REQUESTED/TO/DETERMINE/IF/THE/PROPOSALS/AND/SERVICES/ARE/BEING
PROVIDED/AS/DESCRIBED/IN/THE/APPLICATION/MATERIALS/
- c) Personnel policies and volunteer training procedures shall be set forth in writing and be available for review by the Board./WHEN
REQUESTED/TO/DETERMINE/IF/THE/PROPOSALS/AND/SERVICES/ARE/BEING
PROVIDED/AS/DESCRIBED/IN/THE/APPLICATION/MATERIALS/
- d) Recipients of funding shall have rules to govern themselves/WHEN
conflict of interest situations arise/and shall incorporate such
rules in their constitution or by-laws, or publish such
rules as agency policy. Such rules shall be available to the
Board for review. WHEN REQUESTED/

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 208.30 Funding Priorities

- a) In considering applications made for funds made pursuant to
Section 273.1(b) of the Act, the Board shall
consider the following factors in determining whether to award
funding: the impact of the charitable activities of the
charitable organization on the racing industry; the sources of
revenue of the charitable organization; the character,
reputation, experience and financial integrity of the charitable
organization; and, the extent to which there exists a
demonstrated need for the proposed services in the
charitable organization's proposed service area./AND/THE/ENTIRE
TO/WHICH/FUNDING/WHICH/RESIDES/IN/PROVISION/OF/CHARITABLE/SERVICES
OR/OTHER/TO/WHICH/IDENTIFIED/WHICH/CHARITABLE/ORGANIZATION/AS
NEEDING/THE/SERVICES/AS/OPPOSED/TO/NOT/NEEDING/IDENTIFIED
EXPENDITURES/IN/CHARITABLE/PURCHASE/OF/EQUIPMENT/

- b) In considering applications made for funds made pursuant to
Section 273.1(b) of the Act, the Board shall
consider the following factors in determining whether to award
funding: the impact of the charitable activities of the
charitable organization on the racing industry; the sources of
revenue of the charitable organization; the character,
reputation, experience and financial integrity of the charitable
organization; and, the extent to which there exists a
demonstrated need for the proposed services in the
charitable organization's proposed service area./AND/THE/ENTIRE
TO/WHICH/FUNDING/WHICH/RESIDES/IN/PROVISION/OF/CHARITABLE/SERVICES
OR/OTHER/TO/WHICH/IDENTIFIED/WHICH/CHARITABLE/ORGANIZATION/AS
NEEDING/THE/SERVICES/AS/OPPOSED/TO/NOT/NEEDING/IDENTIFIED
EXPENDITURES/IN/CHARITABLE/PURCHASE/OF/EQUIPMENT/

ILLINOIS RACING BOARD

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~~ORGANIZATION'S PROPOSED SERVICE AREAS AND THE EXTENT TO WHICH FUNDING WILL BE MADE IN PROVISION OF CHARITABLE SERVICES DIRECTLY TO THOSE INDIVIDUALS BY THE CHARITABLE ORGANIZATION AS NEARING THE SERVICE AS OPPROBRIATION MONITORING SERVICE EXPENDITURES SUCH AS PURCHASE OF EQUIPMENT)~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 208.40 Award of Charitable Funds

No later than December 31 of each year, the Board shall inform all applicants of the decision made relative to their application and shall distribute all those funds awarded. All awards are subject to the availability of funds as specified in Section 312.11(a) of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART B: FISCAL AND MONITORING REQUIREMENTS

Section 208.100 Use Of Funds

a) All funds awarded by the Board must be used ~~as~~ in the manner and for the purposes set forth in the application which served as the basis of the Board's award. The recipient ~~of funds~~ shall not change, modify, revise, alter, amend, or delete any part of the services it has agreed to provide in the application without ~~first obtaining the written consent for such change~~ ~~modification~~ ~~revision~~ ~~alteration~~ ~~amendment~~ ~~or deletion~~ from the Board.

b) ~~When the recipient was determined that in good faith it was attempted to comply with the terms specified in the application, but for unforeseen circumstances was not able to comply, a modification shall be considered. An exemption will be funding provided for a new staff position but the recipient was not able to locate a qualified candidate for the position and was determined to intent to hire a new staff person.~~

c) Procedures For a Modification

- 1) The recipient must notify the Board and identify the modification.
- 2) The recipient shall submit a written explanation of the circumstances requiring modification with a new proposed budget itemizing the requested modification. ~~for expending Board funds~~

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

3) The explanation shall be ~~reviewed by the Board~~ and approved by the Board if the ~~new~~ request is consistent with the original intent of the ~~agency's recipient's~~ application. ~~and services~~

4) ~~Upon approval or denial of the request by the Board, the recipient shall be notified. The Board shall notify the recipient of its approval or denial of the request.~~

d) Failure to meet the requirements of this Section shall result in the recipient's disqualification from future funding for a period of time as determined by the Board. ~~The Board shall consider the amount of funds involved, the ultimate destination of the funds and the recipient's good faith efforts to comply with the requirements of this Section.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 208.110 Accounting Requirements

a) Each entity receiving funds ~~is to~~ shall establish and maintain a formal modified accrual accounting system in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA) ~~(1987) and later amendments or editions are included to include including~~ a level of documentation, classification of entries and audit trails sufficient to meet the requirements of this Part.

b) All accounting entries must be supported by source documents, recorded in books of original entry, and posted to a general ledger on a monthly basis.

c) For programs funded by the Board, expenses are to be recorded by specific program. All expenses not funded by the Board may be booked in total.

d) All fiscal records must be maintained by the recipient for five years after the end of the funding period. In instances involving unresolved issues arising from an audit, pending litigation or ~~unresolved~~ tax issues, records related to ~~the~~ those ~~unresolved~~ issues must be retained until the issues are resolved.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 208.120 Audits

- a) Each recipient shall have an annual audit performed at the close of its fiscal year. This audit is to be performed in accordance with generally accepted auditing standards by an independent certified public accountant registered by the State of Illinois. The resulting audit report is to be prepared in accordance with the American Institute of Certified Public Accountants (AICPA) (1987) and latest amendments or editions of the Institute's audit report. The report shall contain the basic financial statements representing the financial position of the agency, the results of its operations, and changes in fund balances. The report shall also contain the auditor's opinion regarding the financial statements taken as a whole or an assertion. The report shall contain information disclosed in the auditor's expressed qualifications or disclaimer of opinion or an adverse opinion. The reason therefor must be stated.

b) Audit Report

- 1) ~~The 14th~~ Each annual audit report is to be filed with the Board within 120 days of the end of the recipient's fiscal year. A request for an extension of time to file an audit report must be submitted in writing 60 days prior to the deadline for filing the audit report. A request for an extension of time to file an audit report shall only be granted when the auditor submits a signed statement certifying that the audit cannot be completed in the designated time due to circumstances beyond the control of the auditor and the recipient. The auditor's statement must also detail the circumstances which form the basis for this request.

- 2) Required/Part/Am/Extension/Of/Time/To/Title/An/Audit/Report
The report shall contain the basic financial statements presenting the financial position of the agency, the results of its operations, and changes in fund balances.
- 3) The reports shall contain a schedule of income by source.
Individual sources of income should not be combined (e.g. funds received from several state or federal agencies should not be combined into one classification, such as "State of Illinois" or "Federal Government").
- 4) The report shall contain a schedule of operating expenses by program - operating fund. The term "operating fund" includes all funds a recipient may have in its accounting records except those in a capital fund or contingency fund.

- 5) The report shall also contain the auditor's opinion regarding the financial statements taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the auditor expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason therefor must be stated. The auditor shall communicate any material weakness in the recipient's internal controls.
- A) A request for an examination of time to file an audit report must be submitted in writing 60 days prior to the deadline for filing the audit report. This request must be approved by the appropriate committee of the board prior to filing the audit report. The audit report will be reviewed by the board upon receipt of the audit report. The audit report will be filed with the board and the board will be notified of the results of the audit.
- B) A request for an examination of time to file an audit report shall comply with the requirements set forth in the applicable laws and regulations governing the audit process. The audit report will be filed with the board and the board will be notified of the results of the audit.
- C) Recipients shall also be subject to audit by Board personnel to determine whether the funds awarded by the Board are being used in accordance with proposed budget contained in the application. Such an audit shall be performed when the board determines that it is more probable than not that the expenditures of this part have been violated.
- D) The following subsections apply if the recipient is a federal agency under the audit reports:
- E) Schedule of findings by source
- F) The following subsections apply if the recipient is a state or local government:
- G) The following subsections apply if the recipient is a private organization:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

111 INDIVIDUALS/CONTRACTS/OTHER CONTRACTS/SHOULD/NOT/BE
 COMPLETED/IF/OTHER EXAMPLES/IF/UNDERTAKEN/IF/NOT
 SEVERELY/STAFF/IF/REDUCED/AGREEMENTS/SHOULD/NOT/BE
 COMPLETED/IF/NOT/OTHER/EXAMPLES/IF/UNDERTAKEN/IF/NOT
 OF/111/INDIVIDUALS/OTHER/IF/REDUCED/AGREEMENTS/IF/

BY SCHEDULE OF OPERATING EXPENSES BY PROGRM/OPERATING FUND

19 The/teym/yoreyazihg/fundv/inctudes/at/fundv/a
veeprent/may/mave/in/its/acevutihg/veevovd
exepxizhove/in/a/capizai/fundv/vevntihgenv
veevv/

THE CERTIFIED PUBLIC ACCOUNTANT, WHOULD RECORD THE expenses by programming the operating expense categories, as prescribed on the supplementary reports, the relevant statement of income would be funded and unfunded programs, AT THE TIME of the funding allocation of administrative expenses and overhead costs to the various programs, as specified in the proposed budget.

The Independent Auditor Should Clearly Establish His or Her Position Regarding the Reliability of the Supplemental Financial Information Presented in the Schedules of Income by Source and Expenses by Program, Operating Fund, in Addition to Rendering an Opinion Concerning the Financial Statements as a Whole. If This Can Be Done Either by Extending the Overall Opinion on the Financial Statements or by Means of a Supplementary Opinion, If the Independent Auditor Determined That the Additional Procedures Necessary to Permit a Supplementary Opinion to Be Rendered on the Schedule of Operating Expenses Would Indirectly Increase the Audit Time, the Auditor May Alternatively State the Most Likely Source of the Necessary Information and the extent of the examination and reservations in the schedule as noted. In the manner of a disclaimer, if all attempts at the statement to any questions, whether made to the questioner's opinion, are unsuccessful.

[illegible]

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Executive Secretary

2) Code Citation: 11 Ill. Adm. Code 207

3) Section Numbers: 207.40 Proposed Action: Repeal

4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.

5) A complete description of the subjects and issues involved: This rulemaking reveals actions no longer used by the Board.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporation by reference? No.

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 12/27/93

B) Types of small business affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER a: GENERAL RULES

PART 207

EXECUTIVE SECRETARY

Section 207.40 Power of Secretary to Verify Pleadings

AUTHORITY: Implementing Section 13 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Reg. Stat. 1983 1991, ch.8, par. 37-9(b)) / (230 ILCS 5/9(b)).

SOURCE: Published in rules and regulations of Horse Racing (Original date not cited in Publication): added January 10, 1975, filed January 16, 1975; codified at 5 Ill. Reg. 10918 and 11000; recodified from 11 Ill. Adm. Code 1301.80 and 1425.47 at 9 Ill. Reg. 11652; repealed at 18 Ill. Reg. _____, effective _____.

Section 207.40 Power of Secretary to Verify Pleadings

In addition to his other duties as prescribed by statute and by rule, the Secretary of the Illinois Racing Board shall have the power to verify pleadings or motions on behalf of the Board. When the verification relates to the accuracy of maps, books, documents, and papers belonging to the Board or entrusted to its care, the Secretary may verify their accuracy without prior consultation with the Board. In all other cases, the Secretary may verify such pleadings or motions only after being so instructed by the Board.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hearings and Enforcement Proceedings
- 2) Code Citation: 11 Ill. Adm. Code 204
- 3)

<u>Section Numbers:</u>	Section 204.10	<u>Proposed Action:</u>	Amendment
	204.20		Amendment
	204.30		Amendment
	204.40		Amendment
	204.50		Amendment
	204.60		Amendment
	204.70		Amendment
	204.80		Amendment
	204.90		Amendment
	204.100		Amendment
	204.110		Amendment
	204.120		Amendment
	204.130		Amendment
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking removes unnecessary language
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board, Legal Department
 100 West Randolph, Ste. 11-100
 Chicago, Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 12/27/93

B) Types of small business affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 204

HEARINGS AND ENFORCEMENT PROCEEDINGS

Section
204.10
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Applicability
Requests for Hearing
Purse Distributions
~~Conduct of Hearings~~ Appointment
Transcripts
Appearances
Service of Papers
Subpoenas
Depositions & Interrogatories
Evidence
Stipulations
Continuances
Closing Arguments
Findings of Fact and Conclusions of Law

AUTHORITY: Implementing Sections 9(b), 9(e), 14a, 15 and 16 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1983 1991, ch. 8, par. 37-9(b), 37-9(e), 37-15, and 27-16 and 111/Rev/Stat/1984/supp/ch/8/par/37-14d/ (230 ILCS 5/9(b), 5/9(e), 5/14(a), 5/15 and 5/16).

SOURCE: Appeals and Enforcement Proceedings, amended December 30, 1977; codified at 5 Ill. Reg. 10876; amended at 10 Ill. Reg. 3825, effective February 13, 1986; amended at 18 Ill. Reg. _____, effective _____.

Section 204.10 Applicability

a) These rules ~~shall apply to the proceedings of the Board pursuant to the Act (230 ILCS 5/9(b), 5/9(e), 5/14(a), 5/15 and 5/16).~~ ~~shall apply to the proceedings of the Board pursuant to the Act (230 ILCS 5/9(b), 5/9(e), 5/14(a), 5/15 and 5/16).~~ shall apply to all hearings conducted by the Board pursuant to the Act (230 ILCS 5/9(b))

1) In its review of final decisions, orders, rulings or recommendations or actions of the judges or stewards of any race meeting.

2) In its conduct of the hearings on the propriety of the ejection or exclusion of occupation licensees as authorized by Section 9(d) of the Act; and

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- 3) In its to/all enforcement proceedings, investigations and inquiries into matters within the jurisdiction of the Board including, but not limited to, proceedings instituted by orders to show cause.

- b) As used in Part/204 this Part, the word "hearing officer" means a member of the Board, or an attorney licensed to practice law in Illinois who/has/been employed by the Board as a hearing officer. /and/t The word "person" means organization licensee, occupation licensee, applicant for an occupation licensee or individual excluded from a race track or race tracks. by/the stewards/of/the/Board The word "appellant" means any person requesting a hearing pursuant to Section 204.20 (Ill. Adm. Code 204.20).

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

Section 204.20 Requests for Hearing

- a) Any person aggrieved by a final decision, order/t ruling, or recommendation of/other/final/t action of/the/stewards/of/at/any rate/meeting may, as a matter of right, request a Board hearing, before/the/Board. Such a hearing shall be a proceeding de novo.

- b) All requests for hearings shall

- 1) must be in writing;

- 2) must contain an address and telephone number where the appellant person/requests/t the hearing may be notified; of the/time/and/place/of/the/hearing and

- 3) must set/for/t the hearing with/the/decision/of/the/stewards show/t be/reversed/or/modified identify the stewards' ruling and the reasons for the appeal.

- c) Requests/for/hearing about/or/d of/the/stewards/suspension/an occupation/licensee/recommendation/denial/or/reversal/an occupation/licensee/or/other/d of/the/decision/and/ the/stewards/decision/or/exclusion/an/occupation/licensee/shall/be instituted/by/t the/initial/hearing for/a hearing/no/take/t within/five/days after/receipt/of/the suspension/decision/or/exclusion/has/been/communicated/to/the licensee/t the/Board will/within/five/days after/such/requests/has/been/received/by/the/Board/within/the

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licensee/requests/a/suspension/f or/d of/a Request for hearing under this Part shall be filed no later than five days after receipt of notice of the stewards' ruling, ejection, exclusion or other action of the Board. The Board shall conduct its hearing within seven days of the receipt of such request unless the appellant or the Board request a postponement for good cause.

- d) Requests for hearing may be filed in person at, or by certified mail addressed to, the Board's office at 100 West Randolph Street, Suite 11-100, Chicago, Illinois 60601. Requests submitted by certified mail will be deemed to/be timely if they are postmarked no later than five days after receipt of notice of suspension/decision/or/exclusion/has/been/received/by occupation/licensee/stewards' ruling, ejection, exclusion or other action of the Board.

- e) All/other/requests/for/hearing/shall/be/instituted/by/t written/requests/in/the/Board's/principal/office/no/take/t and/s day/after/receipt/of/notice/the/decision/of/the/stewards/has been/received/by/the/licensee/requests/shall/be/deemed/timely if/they/are/mailed/by/certified/mail/and/postmarked/no/late than/s days/after/receipt/of/the/decision/of/the/stewards/has/been received/by/the/licensee

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

Section 204.30 Purse Distributions

Upon receipt of a request for hearing which may affect the distribution of a purse in a race, the Board shall serve notice of the hearing upon each of the owners of all other horses involved in the race as identified in the official program.

- d) Any/person/aggrieved/by/a/r of/other/action/of/the/stewards appealing/decision/or/a purse/may/requests/a/hearing/for the/Board/by/t the/requests/and/pr of/in/rule/am.02(e)/II Ill/Adm/Code/section/204.20(e)/

- b) In/addition/to/t the/requests/for/hearing/in/the/owners/of/all Ill/Adm/Code/section/204.20/a notice/in/r of/the/stewards/within/r of/other/action is/that/heard/by/the/requests/for/hearing/in/the/owners/of/all

NOTICE OF PROPOSED AMENDMENTS

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(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

Section 204.40 Confidentiality of Medical Appointment

d) The Chairman of the Board shall designate a hearing officer to preside at any hearing conducted pursuant to these rules.

BY THE HEAVENLY FATHER / GIVE US / THE KINGDOM / OF GLORY / AND / PLACED / ON / THE / THRONE /

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

Section 204.50 Transcripts

a) A transcript shall be produced by ~~the~~ a court reporter designated by the Board for ~~all~~ hearings conducted pursuant to these rules. Copies of the transcript shall be filed in the Board's principal office and made available for public inspection upon reasonable request.

b) THE COST OF THE PRODUCTION OF THE TRANSCRIPT FOR THE BOARD SHALL BE BORNE BY THE BOARD AND NOT BY THE TRANSCRIPT EXCEEDS 300 PAGES IN LENGTH, THE COST OF THE PRODUCTION OF THE PRODUCTION OF THE TRANSCRIPT IN EXCESS OF THE FIRST 300 PAGES OF EXISTING COST REPORTS IN THE CHARGES SHALL BE PAID FOR BY THE APPELLANT. In its discretion, the Board may require that appellants bear reasonable costs of the production of hearing transcripts (e.g., frivolous appeals, unnecessary extension of hearing or transcript).

Any application for registration of the requirements of subpart 400.01 of Title 19, Code of Regulations shall be made to the Department of Transportation, Bureau of Motor Vehicle Registration, 1000 Pennsylvania Avenue, N.W., Washington, D.C. 20590.

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

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Section 204.60 Appearances

a) A/persohn/wob/files/a/request/for/hearing The appellant need not be represented by an attorney.

b) No one may appear before the Board only licensed attorneys may
appear before the Board in a representative capacity, except
those licensed to practice law.

c) A partnership may appear pro se by a partner.

d) A corporation may appear pro se by an officer or director.

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

Section 204.70 Service of Papers

a) Persons filing papers with the Board shall simultaneously serve copies on all parties to the proceeding with proof of service in any manner authorized by the Civil Practice Law Act (11/1/84/1988/4W/1100/64/12101/et seq.) (735 ILCS 5/2-101 et seq.).

b) papers/required/fo/be/filled/w/zh/the/Board/shall/be/accomplished
by/proof/of/service/upon/all/those/required/fo/be/served/

c/ All papers required to be filed with the Board must be filed at the Board's principal office at 100 West Randolph, Suite 11-100, Chicago, Illinois 60601, during regular business hours.

(SOURCE: Amended at 18 Ill. Reg. effective _____.)

Section 204.80 Subpoenas

a) Subpoenas for the attendance of witnesses from any place in Illinois or for the production of books, papers, accounts or documents during or prior to a hearing under this Act will may be issued by the Board upon its own motion, or upon verified application reasonable request of a party, showing that a subpoena is reasonably required. Any witness to a section 1009 of the Act a board member may issue subpoenas to compel the attendance and testimony of witnesses and the production of papers, books, accounts, and documents.

b) **Verified/applications** Requests for subpoenas to compel the production of books/~~papers~~/~~accounts~~ or documents shall identify the material sought.

NOTICE OF PROPOSED AMENDMENTS

c) Witness fees shall be the same as ~~allowed/in~~ provided by the Circuit Courts of the State of Illinois.

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

Section 204.90 Depositions & Interrogatories

Depositions, interrogatories, requests to produce documents and requests for the admission of fact shall be permitted provided that the depositions, interrogatories or document requests shall not be cause for postponements of hearings or delay of the Board's disposition of the proceeding.

Mo deposition shall be taken of a witness in a proceeding except upon verified application to the Board showing that the proposed deposition is reasonably required and setting forth the information sought for the facts to be proved. This rule may be waived by agreement of the parties provided that the taking of depositions shall not cause for postponements of hearings or delay of the Board's disposition of the proceeding.

patients may serve/interrogate/requests to/produce/documents for inspection/covering/and requests for the admission of details of material facts upon which application/and hearing officer/showing good cause and verifying that a person has been made to obey in the requested manner from the party from whom it is sought. If the hearing officer grants leave to serve interrogatories/requests to produce documents or requests to admit or deny material facts, the shall set a reasonable time for compliance with his/her answer for produce the requested material.

At the request of the party, the hearing officer shall require the person subject to the Board's jurisdiction to submit to examination upon any information or report for a reasonable and practical answers to questions propounded upon the information and thereby receive the evidence by agreement of the parties or when the person who has answered the interrogatories is out of state or ill, or otherwise unable to appear in person at the hearing, shall, hearing, shall, if satisfied answers are relevant to the hearing.

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

NOTICE OF PROPOSED AMENDMENTS

Section 204.100 Evidence

5a) All witnesses testifying at hearings shall testify upon oath or affirmation.

b) The Board shall consider all relevant evidence, but not hearsay and evidence that is merely cumulative and/or excluded.

c) In passing upon an objection to the admissibility of evidence, the hearing officer shall not be bound by the technical rules of evidence but the rules of evidence governing the proceedings shall prevail. In any case, the officer shall not be bound by technical rules of evidence.

d) When objections to the admissibility of evidence to the hearing officer are received, the disputed evidence shall be ruling at a later time. The hearing officer has the authority to rule upon objections, exclude inadmissible evidence and to control the hearing.

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 yathō / hīṣ / oṃth / mōṣīōth / oṣ / yathō / eṣṣēṣīōth / of / aṭṭh / yath / yāṣ /

೫. ಪ್ರವೀಣ್ಯ / ರಫೀಫ್‌ವಿಗು / ಲವಿಶೇಷ / ಶಹಾಜ್ / ಸ / ಸುಲೇಖ / ನೂರ್ಮಿಸ್‌ಸಿಬೀ / ಷಹಾಜ್ / ಬೇ
ಖೇಮಿಸ್‌ಸೇಖ / ಶಿಂ / ನೂಕೇ / ಅ / ಬೀಫ / ರಫೀಫ್ / ರಫೀಫ್ /

e) Writings shall be Tagged and Exhibits shall be plainly marked and identified. The Writing record shall reflect the identity of the party offering an exhibit and shall indicate whether it was admitted into evidence.

(f) The hearing officer and the Board may take official notice of

- 1) the customs, usages and traditions of horse racing;
- 2) matters within its specialized knowledge and expertise;
- 3) all matters of which the Circuit Courts of this state may take judicial notice.

g) If a party has acted in bad faith or for purposes of delay or as to impede the Board in the discharge of its functions, he may be liable to a civil penalty pursuant to Section 9(1) of the Act.

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

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Section 204.110 Stipulations

Parties shall stipulate to all matters not in dispute and the stipulation shall be made part of the record.

a) IT IS THE POLICY OF THE BOARD THAT THE PARTIES TO A PROCEEDING SHOULD TO THE FULLEST EXTENT POSSIBLE STIPULATE ALL MATTERS WHICH ARE NOT OF FAIRLY SHODD NOT BE IN DISPUTE

b) AT THE HEARING THE PARTIES SHALL UNLESS EXCUSSED BY THE HEARING OFFICER FOR GOOD CAUSE, FILE A STIPULATION SETTING FORTH

1) ALL PERTINENT MATTERS THAT ARE NOT IN DISPUTE

2) ALL ISSUES OF FAIRNESS TO WHICH THE PARTY ARE NOT OBJECTING

3) MATTERS THAT ARE IN DISPUTE

c) THE PARTIES OR THEIR REPRESENTATIVES SHALL CERTIFY TO THE HEARING OFFICER THAT THEY CONFERED BY TO THE HEARING AND THAT ALL DISPUTED MATTERS WERE DISCUSSED AND FOUND TO BE INCAPABLE OF RESOLUTION BY AGREEMENT OR STIPULATION

d) IF THE HEARING OFFICER FINDS THAT A PARTY HAS REFUSED TO MAKE FAIRLY FOR ANY PURPOSES OF DAY TO STIPULATE FACTS THAT ARE NOT FAIRLY IN DISPUTE OR HAS OTHERWISE ABUSED THE HEARING PROCESS, HE AS TO IMPEDED THE BOARD IN THE DISCHARGE OF ITS FUNCTIONS, THE SHALL ORDER THE PARTY TO APPEAR BEFORE THE HEARING BOARD TO SHOW CAUSE WHY A CIVIL PENALTY SHOULD NOT BE IMPOSED PURSUANT TO SECTION 911 OF THE ACT

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

Section 204.120 Continuances

The hearing officer shall for good cause grant a continuance at the request of any party or may at any time order a continuance on his own motion. A hearing may be adjourned by the hearing officer to permit further testimony or argument whenver this action is required for the proper discharge of the Board's functions.

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

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Section 204.130 Closing Arguments

a) The hearing officer shall allot a reasonable amount of time for closing arguments. When determining a reasonable time for closing arguments, the hearing officer shall consider the following factors: the complexity of the issue and the facts raised in the case and the novelty of the issues presented.

b) The parties may with the leave of the hearing officer file briefs in lieu of closing arguments.

(SOURCE: Amended at 18 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Totalizer Operations
- 2) Code Citation: 11 Ill. Adm. Code 433
- 3) Section Numbers: 433.45 Proposed Action: 433.45
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking allows for the Board to order implementation of new technology regarding totalizer systems.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board, Legal Department
 100 West Randolph, Ste. 11-100
 Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 12/27/93
 - B) Types of small business affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 433
 TOTALIZER OPERATIONS

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section	Definitions
433.10	Purpose
433.15	Pari-Mutuel Audit Unit
433.20	Access to Totalizer and Pari-Mutuel Facility
433.25	Work Area for Pari-Mutuel Auditors
433.30	System Failure
433.35	Waiver/Forfeiture/Scientific Advancements
433.45	Filings
433.50	Standards
433.55	

SUBPART B: PROCEDURES AND REPORTS REQUIRED OF ORGANIZATION LICENSEES

Section	Cashed Tickets
433.60	Summary of Pari-Mutuel Operations
433.70	

SUBPART C: MUTUEL TICKETS

Section	Marking of Tickets
433.100	Status of Outs Account
433.110	Cancellation of Tickets
433.120	Records of Refunds and Cancellations
433.130	Computer Print-Outs
433.140	Additional Method of Calculation
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SUBPART D: MUTUEL FACILITIES; TICKETS; SPECIFICATION REQUIREMENTS AND PROCEDURES

Section	No Reduction in Capacity
433.200	Totalizers
433.210	Final Confirmation
433.220	Status Report
433.230	

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Locking Devices
Control of Locking Devices
Accounting for Individual Tickets
Tickets
Security for Tote Equipment
Access to Tote Room
Fax Machine
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SUBPART E: TOTALIZATOR SYSTEM: SYSTEM REQUIREMENTS

General System Requirements
Redundant Capabilities
Redundant Hardware
Stop Betting Command
Record of Stop Betting Command
Odds Board Control
Odds Update
Retention of Racing Program Data
Control Access to Tote Computer Equipment
Software
Provide Summary
Unique Ticket Number
Uncashed Tickets
Computer Produced Reports
Magnetic Log Files
Security Sub-System
Access to Sub-Systems
Emergency Power Source
Power Fluctuations
Two Independent Sets of Pool Totals
Loss of Communications Reports
Cancellations

Section
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SUBPART F: TOTALIZATOR SYSTEM: PROCEDURAL REQUIREMENTS

General Procedural Requirements
Pre-Program Tests
Totalizator Programs
Duplicate Copy of Totalizator Programs
Notice of Software Modifications
Testing of Software Modifications
Controlling System Utilities
Access to Tote Room

Section
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Control Log
Back-Up Procedures
Shut-Down Procedures

433.580
433.600
433.610

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b), 37-15) [230 ILCS 5/9(b), 5/15].

SOURCE: Adopted at 11 Ill. Reg. 12380, effective July 18, 1987; amended at 14 Ill. Reg. 20059, effective December 4, 1990; amended at 15 Ill. Reg. 2736, effective February 5, 1991; amended at 16 Ill. Reg. 20171, effective December 9, 1992; amended at 18 Ill. Reg. _____, effective _____.

Section 433.45 Waiver for Scientific Advancements

a) The Board recognizes that the use of the present computer technology in the wagering industry is changing rapidly. An organization licensee, intertrack wagering licensee, intertrack wagering location licensee or totalizator system licensee may petition the Board for permission to effect technological improvements, provided a waiver for the change in technology is:

- 1) a written application is first submitted to the pari-mutuel Administrative State Director of Mutuels describing, in detail, the purpose, nature, and extent of the requested waiver technological changes;
 - 2) actual demonstrations of the new technology are presented to the pari-mutuel Administrative State Director of Mutuels; and
 - 3) said application, including all of the information specified in subsections (1) and (2) is provided to the Board for review and approval in compliance with 11 Ill. Adm. Code 206.10 (18/04/91/In Advance of Board Meeting).
- b) If an application for a waiver is received, the petition complies with this section and if the new technology described therein will accomplish the purpose of the law, the Board may, in its discretion, determine to improve the efficiency, including but not limited to, the speed or accuracy of either the existing wagering system or the Board's existing pari-mutuel audit function, the Board shall grant the waiver may order the implementation of the improvement.

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- c) The Board may order an organization licensee, intertrack wagering licensee, intertrack wagering location licensee and/or a totalizator system licensee to implement any available technological improvements which will satisfy the provisions of subsection (b).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Commercial Driver Training Schools
2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Numbers:	Proposed Action
1060.5	Amendment
1060.10	Amendment
1060.20	Amendment
1060.30	Amendment
1060.40	Amendment
1060.50	Amendment
1060.60	Amendment
1060.70	Amendment
1060.80	Amendment
1060.90	Amendment
1060.100	Amendment
1060.110	Amendment
1060.120	Amendment
1060.130	Amendment
1060.140	Amendment
1060.150	Amendment
1060.160	Amendment
1060.170	Amendment
1060.180	Amendment
1060.190	Amendment
1060.200	Amendment

- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b) formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-100 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-100 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the entire Commercial Driver Training Schools, Part 1060 to bring all of the sections into compliance with current federal mandated laws and Illinois Vehicle Code within the Illinois Compiled Statutes.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other amendments pending on this part? No.
- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1060
COMMERCIAL DRIVER TRAINING SCHOOLS

Section	
1060.5	Definitions
1060.10	Unlicensed Person May Not Operate Driver Training School
1060.20	Requirements for School Licenses
1060.30	Driver Training School Names
1060.40	Refund of Application Fees
1060.50	School Locations and Facilities
1060.60	Driver Training School Student Instruction Record
1060.70	Driver Training School Course of Instruction
1060.80	Driver Training School Contracts
1060.90	Inspection of School Facilities
1060.100	Licenses
1060.110	Safety Inspection of Driver Training School Motor Vehicles
1060.120	Admission Requirements for to Obtain and Retain a Driver Training Instructor's License
1060.130	Examination for Driver Training Instructor
1060.140	Temporary Permit
1060.150	Driver Training School Responsibility for Employees
1060.160	Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170	Hearings
1060.180	Teen Accreditation
1060.190	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License
1060.200	Commercial Driver's License and/or Endorsement and/or Accreditation

AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 6-401 et seq.) [625 ILCS 5/6-401 et seq.] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 2-104(b)) [625 ILCS 5/2-104(b)].

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act (5 ILCS 100/5-80) and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-411) [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 17 Ill. Reg. _____, effective _____.

Section 1060.5 Definitions

For purposes of this Part, the following definitions shall apply:

NOTICE OF PROPOSED AMENDMENT(S)

"Hazardous Materials" - substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A. 1802.)

"Instruction Record" - records kept by the instructor to reflect the number of hours a pupil in a Commercial Driver Training School attends behind-the-wheel and classroom instruction as provided in Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 19871991, ch. 95 1/2, par. 6-418)[625 ILCS 5/6-148].

"Main Office" - the primary office of the Commercial Driver Training School which is designed solely for conducting the business of the school as provided in Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

"Misrepresentation" - a false statement of a substantive fact, or any conduct which leads to a belief of a substantive fact material to proper understanding of the matter in hand, made with intent to deceive or mislead.

"Physical Facilities" - the building and items which constitute part of the building, including the telephone and the furniture.

"Restriction" - requirement or condition added to a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.

"Revocation" - the termination by formal action of the Secretary of a commercial driver training school's license or a commercial driver training school instructor's license, which termination shall be subject to renewal or restoration identical to the provisions for revocation of a driver's license as provided in Section 1-176 of the Illinois Vehicle Code. (Ill. Rev. Stat. 19871991, ch. 95 1/2, par. 1-176)[625 ILCS 5/1-176].

"Sex and Drug Related Offenses" - the offenses of criminal sexual assault (Section 12-13 of the Criminal Code of 1961 (Ill. Rev. Stat. 19871991, ch. 38, par. 12-13))[720 ILCS 5/12-13], aggravated criminal sexual assault (Section 12-14 of the Criminal Code of 1961 (Ill. Rev. Stat. 19871991, ch. 38, par. 12-14))[720 ILCS 5/12-14], criminal sexual abuse (Section 12-15 of the Criminal Code of 1961 (Ill. Rev. Stat. 19871991, ch. 38, par. 12-15))[720 ILCS 5/12-15], aggravated criminal sexual abuse (Section 12-16 of the Criminal Code of 1961 (Ill. Rev. Stat. 19871991, ch. 38, par. 12-16))[720 ILCS 5/12-16], juvenile pimping (Section 11-19.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 19871991, ch. 38, par. 11-19.1))[720 ILCS 5/11-19.1], soliciting for a juvenile prostitute (Section 11-15.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 19871991, ch. 38, par.

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11-15.1))[720 ILCS 5/11-15.1], unauthorized manufacture or delivery of a controlled substance which shall include counterfeit drugs (Section 1401 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 19871991, ch. 56 1/2, par. 1401)[720 ILCS 570/401], sale, delivery or exchange of instruments used for illegal drug use or abuse (Section 22-51 of the Criminal Code of 1961 (Ill. Rev. Stat. 19871991, ch. 38, par. 22-51))[720 ILCS 5/22-51], delivery of a controlled substance which includes counterfeit and look alike substances (Section 1407.1 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 19871991, ch. 56 1/2, par. 1407.1))[720 ILCS 570/407], manufacture or delivery of cannabis (Section 705 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 19871991, ch. 56 1/2, par. 705))[720 ILCS 550/5], delivery of cannabis (Section 707 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 19871991, ch. 56 1/2, par. 707))[720 ILCS 550/7], the production of the cannabis plant (Section 708 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 19871991, ch. 56 1/2, par. 708))[720 ILCS 550/8], the illegal possession in a motor vehicle of any controlled substance or any cannabis. (Ill. Rev. Stat. 19871991, ch. 95 1/2, par. 6-206(a)(28)[625 ILCS 5/6-206(a)(28)], the criminal transmission of HIV (Ill. Rev. Stat. 1991, ch. 38, par. 12-16.2)[720 ILCS 5/12-16.2], exploitation of a child (Ill. Rev. Stat. 1991, ch. 38, par. 11-19.2)[720 ILCS 5/11-19.2], controlled substance trafficking (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 1401.1)[720 ILCS 570/401.1], cannabis trafficking (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 705.1)[720 ILCS 550/5.1], delivery of cannabis on school grounds (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 705.2)[720 ILCS 550/5.2], calculated criminal cannabis conspiracy (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 709)[720 ILCS 550/9], calculated criminal drug conspiracy (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 1405)[720 ILCS 570/405], and criminal drug conspiracy (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 1405.1)[720 ILCS 570/405.1].

"Short Review Course" - a course offered by Commercial Driver Training Schools to pupils who have previously held or currently hold a valid driver's license and which does not meet the requirement of six (6) hours of classroom instruction and six (6) hours behind-the-wheel instruction.

"Surety Bond" - a written obligation whereby another person assumes liability for another's debts or defaults of obligation.

"Suspension" - the procedures for temporary withdrawal of a commercial driver training school's license or commercial driver training school instructor's license identical to the provisions for the suspension of a driver's license as provided in Section 1-204 of the Illinois Vehicle Code. (Ill. Rev. Stat. 19871991, ch. 95 1/2, par. 1-204)[625 ILCS 5/1-204].

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"Teen Accreditation" - the accreditation of a commercial driver training school by the Department, which allows the school to offer instruction to ~~foreign~~ pupils under age eighteen.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.10 Unlicensed Person May Not Operate Driver Training School

a) When an application is submitted for an original driver training school license, or driver training instructor's license, the applicant of applicants shall not conduct any business as a driver training school or act as a driver training instructor until a license is issued by the Department.

b) When an application is made for the renewal of an existing driver training school license or driver training instructor's license, the applicant shall have the authority to continue to conduct business as a driver training school or act as a driver training instructor until the renewal application is granted or denied by the Department. Provided the renewal application is properly filed with the Department no later than December 31st of the current license year. Whenever a person, firm, group, association or corporation acquires control management or assets of any driver training school presently licensed by the Department, the license of that driver training school shall terminate on the date of acquisition. Said school shall not operate or conduct any business as a driver training school until the acquiring party has been licensed by the Department for that school. The application for said license shall be made in the same manner as an application for an original driver training school license. Said application may be submitted prior to the acquisition of control management or assets, provided a letter of intent to acquire control management or assets accompanies the application. No license shall be issued until the acquiring party has complied with Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code and all rules provided herein.

a) No entity or individual that accepts payment in performing activities in the preparation, instruction or training of an applicant for examination given by the Secretary of State for a driver's license or permit, may operate unless licensed as a commercial driving school that is in compliance with Ch. 95 1/2, Sec. 6-401 et seq. of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-401 et seq.) [625 ILCS 5/6-401 et seq.].

b) Any entity or individual that is licensed as a commercial driving school must display its appropriate license in a visibly prominent place.

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b) No person or group licensed as a driver training school, or any agent, servant or employee of any driver training school, shall give driver training instruction unless licensed by the Department as a driver training instructor.

c) No school shall operate before it is properly licensed to do business in the State of Illinois by the Secretary of State as provided in Section 6-401 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 6-401 et seq.) [625 ILCS 5/6-401 et seq.].

d) No school may remain in operation if its license to do business in Illinois is suspended, revoked, canceled or not renewed.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.20 Requirements for School Licenses

a) The Department shall not issue a driver training school license to any person unless:

1) The applicant has at least one motor vehicle owned or leased in the name of the driver training school or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department, which has been safety inspected and insurance certified as required herein for use by the school for driver training purposes and driving instruction;

2) The applicant has at least one person who is employed by or associated with the school, and who is licensed or qualified to be licensed by the Department as a driver training instructor for that school;

3) The physical facilities meet the requirements of ~~§§ 6-401 to 6-404~~ 1060/50/1060/60/1060/70/ and 1060/80 of this Part;

4) The applicant is of good moral character as required pursuant to Section 6-402(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987/1991, ch. 95 1/2, par. 6-402(a)) [625 ILCS 5/6-402(a)]. In making a determination of good moral character, the Department is not limited to, but may consider the following:

- A) if the applicant has been convicted of a crime; or,
- B) the age of the applicant at the time any criminal conviction was entered; or,
- C) the length of time that has elapsed since the applicant's last criminal conviction; or,

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- D) the relationship of any crime convicted of to the ability to operate a driver training school; or,
- E) any evidence of rehabilitation after a criminal conviction;
- or,
- F) opinions of community members concerning the applicant.

b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any driver training school if any of the applicants are unqualified or are already licensed or have made application for another driver training school license.

c) *Who persons of state shall license as a driver training school, of any age, shall be subject to the provisions of the Department as a driver training institution, unless license is obtained by the Department as a driver training institution.*

d) The applicant shall not be a current salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office policy manual which states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State.

e) *Who persons shall obtain a license is a properly licensed to do business in the State of Illinois by the Secretary of State as provided in Section 6-401 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 6-401 et seq.)*

f) *Who persons may obtain a license is a properly licensed to do business in Illinois is subject to the provisions of the Department as a driver training institution.*

g) No accreditation program shall remain in operation if properly qualified personnel are not available or if other changes occur which would reduce its qualifications. Exception: In the event of fire, flood or other catastrophe, the school may temporarily continue to operate with facilities which are not up to standards only for the duration of the courses which have been started, if the Director of the Department consents for them to do so. A Secretary of State employee shall determine that no health or safety hazard exists in violation of any local, state or federal ordinance, before the Director of the Department shall give his/her consent. No new course can be started until facilities meet the minimum requirements for licensing.

h) No driver training school shall operate in the State of Illinois unless it provides and files with the Department, a continuous surety bond in the principal sum of Ten Thousand Dollars (\$10,000), (underwritten by a company authorized to do business in the State of

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Illinois) for the protection of the contractual rights of students as provided in Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. All bonds filed pursuant to this provision shall be in substantially the following form:

Know All Persons by These Presents, That We, _____, of _____, hereinafter, referred to as Principal and _____, a Corporation organized and existing to do business in the State of Illinois, for the use and benefit of all persons who may be damaged by breach of this bond, as Obligees, in the penal sum of Ten Thousand Dollars (\$10,000), lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents. The Condition Of This Obligation Is such, That whereas, the Principal has made application for a license or permit to the State of Illinois for the purpose of exercising the vocation of a Driver Training School. Now Therefore, if the said Principal shall faithfully comply with The Illinois Vehicle Code, as amended, and all rules and regulations which have been or may hereafter be in force concerning the said License or Permit, and shall save and keep harmless the Obligees from all loss or damage which may be sustained as a result of the issuance of said license or permit to the said Principal, this obligation shall be void; otherwise, to remain in full force and effect. The Bond Will Expire but may be continued by renewal certificate signed by Principal and Surety. The Surety may at any time terminate its liability by giving thirty (30) days written notice to the Commercial Driver Training Section of the Department, 650 Roppolo Drive, Elk Grove Village, Illinois 60007, and the Surety shall not be liable for any default after such thirty day notice period, except for defaults occurring prior thereto.

Signed, Sealed and Dated this _____ day of _____, 19____.

Principal

Surety

By

Attorney-in-fact

Upon receipt of a properly executed application for a driver training school license, or driver training instructor's license, the Department shall investigate the qualifications of the applicant, and authorized representatives shall inspect the school property and equipment to determine whether the application should be granted or denied.

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g) An owner or manager shall not engage in fraudulent activity as defined in Section 1060.5 of this Part.

h) An owner or employee of a commercial driver training school shall not have been declared to have engaged in fraudulent activity within 5 years.

i) Licenses shall be issued by the Department.

(Source: Amended at 17 Ill. Reg. , effective)

Section 1060.30 Driver Training School Names

a) No driver training school shall adopt, use, or conduct any business under a name that is not distinguishable upon the records of the Department from a name used by another driver training school as defined in 14 Ill. Adm. Code 150.440.

b) No licensed driver training school shall incorporate under its own or another name unless the name of the proposed corporation is submitted to the Department of Business Services of the Office of the Secretary of State for a final determination of the availability of the name along with the fee required by Section 15.10 of the Business Corporation Act of 1983 (Ill. Rev. Stat. ~~1987~~1991, ch. 32, par. 15.10)(805 ILCS 5/15.10).

Each district training school shall use only its complete incorporated name, or if not incorporated, its license name in conducting the business of a district training school, and no other name, names or initials, except where directed otherwise, in any district training school may appear in any of the publications of the respective district.

၁) ဘဝ ဝါကျမှတစ်ဆင့် ကျွန်ုပ်တို့၏ နားထောင်မှု နည်းလမ်းကို ပြောင်းလဲစေရန် ကျွန်ုပ်တို့သည် အချို့သော အချက်အလက်များကို အသုံးပြုခဲ့ပါသည်။ အချို့သော အချက်အလက်များကို အသုံးပြုခဲ့ပါသည်။ အချို့သော အချက်အလက်များကို အသုံးပြုခဲ့ပါသည်။

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Principles

By \$414.00

At the end of the day

c) No licensed driver training school's name shall contain, separate and apart from any other word or abbreviation in such name, the word "corporation", "company", "incorporated", or limited", or an abbreviation of one of such words, unless so licensed by the Secretary of State.

d) No driver training school shall change its name, the location of its established place of business or any of its branch facilities unless thirty (30) days prior written notice is given to the Department stating the change of name or location or both. Upon receipt of the

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above notice, the Department shall, without an application fee, require the driver training school to complete an amended application for license in the form and manner as prescribed for original applicants.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.40 Refund of Application Fees

The Secretary of State shall not refund any application fee which has been submitted by any person with an application for a driver training school or driver training instructor's license. This provision shall apply to all applicants regardless of whether a license has been issued or denied.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.50 School Locations and Facilities

- [illegible]

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- [illegible]

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g) Each main classroom of a branch office of a driver training school shall meet a minimum of 150 square feet of available area for official lighting per 300 square feet of classroom facility. Classrooms larger than 300 square feet shall be required to provide extra illumination to maintain the same level.

e) Upon receipt by the Department of a written request to open a branch office, the Department shall inspect the branch office to determine if it complies with the provisions of Section 6-406(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code and these Rules. The Department shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.

f) When a branch facility is to be closed, the driver training school shall notify the Department in writing five (5) days prior to the closing date and return the branch facility's license to the Department Secretary of State within five (5) days after the closing.

a) Each driver training school must comply with Section 6-409 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-409)[625 ILCS 5/6-409.] In addition, the branch classroom shall be identified as such by a permanent sign which indicates the location of the main office and classroom and which is reasonably visible to the general public from outside the branch classroom.

b) The established place of business of each driver training school shall comply with Section 6-406 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-406)[625 ILCS 5/6-406], and, in addition:

1) The main office and each branch office shall have a minimum of 150 square feet of office space, and,

2) Each school facility must post, in a conspicuous place, on or near the permanent school sign, the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present, and,

3) The main office and each branch office of the driver training school shall have direct access from the outside. Any business may be conducted in the same building providing the business being conducted is legal and that the business has its own entrance.

c) The established place of business or branch office, branch classroom or advertised address of any driver training school shall comply with all restrictions contained in Section 6-405(b) of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-405(b))[625 ILCS 5/6-405].

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d) Each established Main Office and Branch Office facility must maintain a place of business which shall be open to the general public a minimum of eight (8) hours per week.

e) The classroom facility shall contain the following:

- 1) Sufficient seating facilities and writing surfaces for students;
- 2) Charts, diagrams, traffic control devices, or pictures relating to the operation of motor vehicles and traffic laws;
- 3) Blackboards or other forms of illustrative devices which are visible from all seating areas;

4) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws; and

5) Adequate fire extinguishers in operable condition as required pursuant to Section 6-406(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

6) Each main classroom or branch classroom shall have a minimum of 300 square feet of classroom space and the main classroom shall be within the same premises as the main office facility;

7) Each main classroom or branch classroom shall have installed a heating and ventilating system adequate to maintain a comfortable room temperature for the occupants;

8) Each main classroom or branch classroom shall have installed an adequate lighting system so as to provide sufficient lighting for the occupants.

f) A driver training school which has an established place of business and a main classroom facility may operate a branch classroom, provided it meets all requirements of the main classroom.

1) Upon receipt by the Department of a written request to open a branch classroom or branch office, an authorized representative of the Department shall inspect the branch office or branch classroom, and if it complies with the provisions of Section 6-406(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code and these Rules, the Department shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.

2) When a branch facility is to be closed, the driver training school shall return the branch facility's license to the Secretary of State with five (5) days after closing.

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.60 Driver Training School Student Instruction Record

a) All driver training schools licensed by the Department shall maintain a permanent and hard copy record of instruction given to each student in accordance with Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. If records of the driver training school are kept on a computer, a hard copy MUST be retained for inspection purposes.

b) Each driver training school shall furnish the student, upon request, a duplicate of his or her instruction record when the student completes all of the courses contracted for or otherwise ceases taking instruction at or with the school.

c) The branch office must maintain a copy of the student's instruction record and any other student records required by the Department for a minimum period of six (6) months before transferring the records to the Main Office where they shall be kept on file in accordance with Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

d) Road tests at Secretary of State facilities conducted in a driver training school vehicle are considered a part of instruction and documentation shall be maintained.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.70 Driver Training School Course of Instruction

a) A minimum of six (6) hours of classroom instruction shall be given to each student before the student is permitted to take the written examination. If a student fails the written examination, the student shall be given a second written examination within 30 days of the first written examination. If a student fails the second written examination, the student shall be given a third written examination within 90 days of the second written examination. If a student fails the third written examination, the student shall be given a fourth written examination within 180 days of the third written examination. If a student fails the fourth written examination, the student shall be given a fifth written examination within 360 days of the fourth written examination. If a student fails the fifth written examination, the student shall be given a sixth written examination within 720 days of the fifth written examination. If a student fails the sixth written examination, the student shall be given a seventh written examination within 1440 days of the sixth written examination. If a student fails the seventh written examination, the student shall be given an eighth written examination within 2880 days of the seventh written examination. If a student fails the eighth written examination, the student shall be given a ninth written examination within 5760 days of the eighth written examination. If a student fails the ninth written examination, the student shall be given a tenth written examination within 11520 days of the ninth written examination. If a student fails the tenth written examination, the student shall be given an eleventh written examination within 23040 days of the tenth written examination. If a student fails the eleventh written examination, the student shall be given a twelfth written examination within 46080 days of the eleventh written examination. If a student fails the twelfth written examination, the student shall be given a thirteenth written examination within 92160 days of the twelfth written examination. If a student fails the thirteenth written examination, the student shall be given a fourteenth written examination within 184320 days of the thirteenth written examination. If a student fails the fourteenth written examination, the student shall be given a fifteenth written examination within 368640 days of the fourteenth written examination. If a student fails the fifteenth written examination, the student shall be given a sixteenth written examination within 737280 days of the fifteenth written examination. If a student fails the sixteenth written examination, the student shall be given a seventeenth written examination within 1474560 days of the sixteenth written examination. If a student fails the seventeenth written examination, the student shall be given an eighteenth written examination within 2949120 days of the seventeenth written examination. If a student fails the eighteenth written examination, the student shall be given a nineteenth written examination within 5898240 days of the eighteenth written examination. If a student fails the nineteenth written examination, the student shall be given a twentieth written examination within 11796480 days of the nineteenth written examination. If a student fails the twentieth written examination, the student shall be given a twenty-first written examination within 23592960 days of the twentieth written examination. If a student fails the twenty-first written examination, the student shall be given a twenty-second written examination within 47185920 days of the twenty-first written examination. If a student fails the twenty-second written examination, the student shall be given a twenty-third written examination within 94371840 days of the twenty-second written examination. If a student fails the twenty-third written examination, the student shall be given a twenty-fourth written examination within 188743680 days of the twenty-third written examination. If a student fails the twenty-fourth written examination, the student shall be given a twenty-fifth written examination within 377487360 days of the twenty-fourth written examination. If a student fails the twenty-fifth written examination, the student shall be given a twenty-sixth written examination within 754974720 days of the twenty-fifth written examination. If a student fails the twenty-sixth written examination, the student shall be given a twenty-seventh written examination within 1509949440 days of the twenty-sixth written examination. If a student fails the twenty-seventh written examination, the student shall be given a twenty-eighth written examination within 3019898880 days of the twenty-seventh written examination. If a student fails the twenty-eighth written examination, the student shall be given a twenty-ninth written examination within 6039797760 days of the twenty-eighth written examination. If a student fails the twenty-ninth written examination, the student shall be given a thirtieth written examination within 12079595520 days of the twenty-ninth written examination. If a student fails the thirtieth written examination, the student shall be given a thirty-first written examination within 24159191040 days of the thirtieth written examination. If a student fails the thirty-first written examination, the student shall be given a thirty-second written examination within 48318382080 days of the thirty-first written examination. If a student fails the thirty-second written examination, the student shall be given a thirty-third written examination within 96636764160 days of the thirty-second written examination. If a student fails the thirty-third written examination, the student shall be given a thirty-fourth written examination within 193273528320 days of the thirty-third written examination. If a student fails the thirty-fourth written examination, the student shall be given a thirty-fifth written examination within 386547056640 days of the thirty-fourth written examination. If a student fails the thirty-fifth written examination, the student shall be given a thirty-sixth written examination within 773094113280 days of the thirty-fifth written examination. If a student fails the thirty-sixth written examination, the student shall be given a thirty-seventh written examination within 1546188226560 days of the thirty-sixth written examination. If a student fails the thirty-seventh written examination, the student shall be given a thirty-eighth written examination within 3092376453120 days of the thirty-seventh written examination. If a student fails the thirty-eighth written examination, the student shall be given a thirty-ninth written examination within 6184752906240 days of the thirty-eighth written examination. If a student fails the thirty-ninth written examination, the student shall be given a fortieth written examination within 12369505812480 days of the thirty-ninth written examination. If a student fails the fortieth written examination, the student shall be given a forty-first written examination within 24739011624960 days of the fortieth written examination. If a student fails the forty-first written examination, the student shall be given a forty-second written examination within 49478023249920 days of the forty-first written examination. If a student fails the forty-second written examination, the student shall be given a forty-third written examination within 98956046499840 days of the forty-second written examination. If a student fails the forty-third written examination, the student shall be given a forty-fourth written examination within 197912092999680 days of the forty-third written examination. If a student fails the forty-fourth written examination, the student shall be given a forty-fifth written examination within 395824185999360 days of the forty-fourth written examination. If a student fails the forty-fifth written examination, the student shall be given a forty-sixth written examination within 791648371998720 days of the forty-fifth written examination. If a student fails the forty-sixth written examination, the student shall be given a forty-seventh written examination within 1583296743997440 days of the forty-sixth written examination. If a student fails the forty-seventh written examination, the student shall be given a forty-eighth written examination within 3166593487994880 days of the forty-seventh written examination. If a student fails the forty-eighth written examination, the student shall be given a forty-ninth written examination within 6333186975989760 days of the forty-eighth written examination. If a student fails the forty-ninth written examination, the student shall be given a fiftieth written examination within 12666373951979520 days of the forty-ninth written examination. If a student fails the fiftieth written examination, the student shall be given a fifty-first written examination within 25332747903959040 days of the fiftieth written examination. If a student fails the fifty-first written examination, the student shall be given a fifty-second written examination within 50665495807918080 days of the fifty-first written examination. If a student fails the fifty-second written examination, the student shall be given a fifty-third written examination within 101330991615836160 days of the fifty-second written examination. If a student fails the fifty-third written examination, the student shall be given a fifty-fourth written examination within 202661983231672320 days of the fifty-third written examination. If a student fails the fifty-fourth written examination, the student shall be given a fifty-fifth written examination within 405323966463344640 days of the fifty-fourth written examination. If a student fails the fifty-fifth written examination, the student shall be given a fifty-sixth written examination within 810647932926689280 days of the fifty-fifth written examination. If a student fails the fifty-sixth written examination, the student shall be given a fifty-seventh written examination within 1621295865853378560 days of the fifty-sixth written examination. If a student fails the fifty-seventh written examination, the student shall be given a fifty-eighth written examination within 3242591731706757120 days of the fifty-seventh written examination. If a student fails the fifty-eighth written examination, the student shall be given a fifty-ninth written examination within 6485183463413514240 days of the fifty-eighth written examination. If a student fails the fifty-ninth written examination, the student shall be given a sixtieth written examination within 12970366926827028480 days of the fifty-ninth written examination. If a student fails the sixtieth written examination, the student shall be given a sixty-first written examination within 25940733853654056960 days of the sixtieth written examination. If a student fails the sixty-first written examination, the student shall be given a sixty-second written examination within 51881467707308113920 days of the sixty-first written examination. If a student fails the sixty-second written examination, the student shall be given a sixty-third written examination within 103762935414616227840 days of the sixty-second written examination. If a student fails the sixty-third written examination, the student shall be given a sixty-fourth written examination within 207525870829232455680 days of the sixty-third written examination. If a student fails the sixty-fourth written examination, the student shall be given a sixty-fifth written examination within 415051741658464911360 days of the sixty-fourth written examination. If a student fails the sixty-fifth written examination, the student shall be given a sixty-sixth written examination within 830103483316929822720 days of the sixty-fifth written examination. If a student fails the sixty-sixth written examination, the student shall be given a sixty-seventh written examination within 1660206966633859645440 days of the sixty-sixth written examination. If a student fails the sixty-seventh written examination, the student shall be given a sixty-eighth written examination within 3320413933267719290880 days of the sixty-seventh written examination. If a student fails the sixty-eighth written examination, the student shall be given a sixty-ninth written examination within 6640827866535438581760 days of the sixty-eighth written examination. If a student fails the sixty-ninth written examination, the student shall be given a seventieth written examination within 13281655733070877163520 days of the sixty-ninth written examination. If a student fails the seventieth written examination, the student shall be given a seventy-first written examination within 26563311466141754327040 days of the seventieth written examination. If a student fails the seventy-first written examination, the student shall be given a seventy-second written examination within 53126622932283508654080 days of the seventy-first written examination. If a student fails the seventy-second written examination, the student shall be given a seventy-third written examination within 106253245864567017308160 days of the seventy-second written examination. If a student fails the seventy-third written examination, the student shall be given a seventy-fourth written examination within 212506491729134034616320 days of the seventy-third written examination. If a student fails the seventy-fourth written examination, the student shall be given a seventy-fifth written examination within 425012983458268069232640 days of the seventy-fourth written examination. If a student fails the seventy-fifth written examination, the student shall be given a seventy-sixth written examination within 850025966916536138465280 days of the seventy-fifth written examination. If a student fails the seventy-sixth written examination, the student shall be given a seventy-seventh written examination within 1700051933833072276930560 days of the seventy-sixth written examination. If a student fails the seventy-seventh written examination, the student shall be given a seventy-eighth written examination within 3400103867666144553861120 days of the seventy-seventh written examination. If a student fails the seventy-eighth written examination, the student shall be given a seventy-ninth written examination within 6800207735332289107722240 days of the seventy-eighth written examination. If a student fails the seventy-ninth written examination, the student shall be given an eightieth written examination within 13600415470664578215444480 days of the seventy-ninth written examination. If a student fails the eightieth written examination, the student shall be given an eighty-first written examination within 27200830941329156430888960 days of the eightieth written examination. If a student fails the eighty-first written examination, the student shall be given an eighty-second written examination within 54401661882658312861777920 days of the eighty-first written examination. If a student fails the eighty-second written examination, the student shall be given an eighty-third written examination within 108803323765316625723555840 days of the eighty-second written examination. If a student fails the eighty-third written examination, the student shall be given an eighty-fourth written examination within 217606647530633251447111680 days of the eighty-third written examination. If a student fails the eighty-fourth written examination, the student shall be given an eighty-fifth written examination within 435213295061266502894223360 days of the eighty-fourth written examination. If a student fails the eighty-fifth written examination, the student shall be given an eighty-sixth written examination within 870426590122533005788446720 days of the eighty-fifth written examination. If a student fails the eighty-sixth written examination, the student shall be given an eighty-seventh written examination within 1740853180245066011576893440 days of the eighty-sixth written examination. If a student fails the eighty-seventh written examination, the student shall be given an eighty-eighth written examination within 3481706360490132023153786880 days of the eighty-seventh written examination. If a student fails the eighty-eighth written examination, the student shall be given an eighty-ninth written examination within 6963412720980264046307573760 days of the eighty-eighth written examination. If a student fails the eighty-ninth written examination, the student shall be given a ninetieth written examination within 13926825441960528092615147520 days of the eighty-ninth written examination. If a student fails the ninetieth written examination, the student shall be given a ninety-first written examination within 27853650883921056185230295040 days of the ninetieth written examination. If a student fails the ninety-first written examination, the student shall be given a ninety-second written examination within 55707301767842112370460590080 days of the ninety-first written examination. If a student fails the ninety-second written examination, the student shall be given a ninety-third written examination within 111414603535684224740921180160 days of the ninety-second written examination. If a student fails the ninety-third written examination, the student shall be given a ninety-fourth written examination within 222829207071368449481842360320 days of the ninety-third written examination. If a student fails the ninety-fourth written examination, the student shall be given a ninety-fifth written examination within 445658414142736898963684720640 days of the ninety-fourth written examination. If a student fails the ninety-fifth written examination, the student shall be given a ninety-sixth written examination within 891316828285473797927369441280 days of the ninety-fifth written examination. If a student fails the ninety-sixth written examination, the student shall be given a ninety-seventh written examination within 1782633656570947595854738882560 days of the ninety-sixth written examination. If a student fails the ninety-seventh written examination, the student shall be given a ninety-eighth written examination within 3565267313141895191709477765120 days of the ninety-seventh written examination. If a student fails the ninety-eighth written examination, the student shall be given a ninety-ninth written examination within 7130534626283790383418955530240 days of the ninety-eighth written examination. If a student fails the ninety-ninth written examination, the student shall be given a hundredth written examination within 14261069252567580766837911060480 days of the ninety-ninth written examination. If a student fails the hundredth written examination, the student shall be given a hundred-first written examination within 28522138505135161533675822120960 days of the hundredth written examination. If a student fails the hundred-first written examination, the student shall be given a hundred-second written examination within 57044277010270323067351644241920 days of the hundred-first written examination. If a student fails the hundred-second written examination, the student shall be given a hundred-third written examination within 114088554020540646134703288483840 days of the hundred-second written examination. If a student fails the hundred-third written examination, the student shall be given a hundred-fourth written examination within 228177108041081292269406576967680 days of the hundred-third written examination. If a student fails the hundred-fourth written examination, the student shall be given a hundred-fifth written examination within 456354216082162584538813153935360 days of the hundred-fourth written examination. If a student fails the hundred-fifth written examination, the student shall be given a hundred-sixth written examination within 912708432164325169077626307870720 days of the hundred-fifth written examination. If a student fails the hundred-sixth written examination, the student shall be given a hundred-seventh written examination within 1825416864328650338155252615741440 days of the hundred-sixth written examination. If a student fails the hundred-seventh written examination, the student shall be given a hundred-eighth written examination within 3650833728657300676310505231482880 days of the hundred-seventh written examination. If a student fails the hundred-eighth written examination, the student shall be given a hundred-ninth written examination within 7301667457314601352621010462965760 days of the hundred-eighth written examination. If a student fails the hundred-ninth written examination, the student shall be given a hundred-tenth written examination within 14603334914629202705242020925931520 days of the hundred-ninth written examination. If a student fails the hundred-tenth written examination, the student shall be given a hundred-eleventh written examination within 29206669829258405410484041851863040 days of the hundred-tenth written examination. If a student fails the hundred-eleventh written examination, the student shall be given a hundred-twelfth written examination within 58413339658516810820968083703726080 days of the hundred-eleventh written examination. If a student fails the hundred-twelfth written examination, the student shall be given a hundred-thirteenth written examination within 116826679317033621641936167407452160 days of the hundred-twelfth written examination. If a student fails the hundred-thirteenth written examination, the student shall be given a hundred-fourteenth written examination within 233653358634067243283872334814904320 days of the hundred-thirteenth written examination. If a student fails the hundred-fourteenth written examination, the student shall be given a hundred-fifteenth written examination within 467306717268134486567744669629808640 days of the hundred-fourteenth written examination. If a student fails the hundred-fifteenth written examination, the student shall be given a hundred-sixteenth written examination within 934613434536268973135489339259617280 days of the hundred-fifteenth written examination. If a student fails the hundred-sixteenth written examination, the student shall be given a hundred-seventeenth written examination within 1869226869072537946270978678519234560 days of the hundred-sixteenth written examination. If a student fails the hundred-seventeenth written examination, the student shall be given a hundred-eighteenth written examination within 3738453738145075892541957357038469120 days of the hundred-seventeenth written examination. If a student fails the hundred-eighteenth written examination, the student shall be given a hundred-nineteenth written examination within 7476907476290151785083914714076938240 days of the hundred-eighteenth written examination. If a student fails the hundred-nineteenth written examination, the student shall be given a hundred-twentieth written examination within 14953814952580303570167829428153876480 days of the hundred-nineteenth written examination. If a student fails the hundred-twentieth written examination, the student shall be given a hundred-twenty-first written examination within 29907629905160607140335658856307752960 days of the hundred-twentieth written examination. If a student fails the hundred-twenty-first written examination, the student shall be given a hundred-twenty-second written examination within 59815259810321214280671317712615505920 days of the hundred-twenty-first written examination. If a student fails the hundred-twenty-second written examination, the student shall be given a hundred-twenty-third written examination within 119630519620642428561342635425231011840 days of the hundred-twenty-second written examination. If a student fails the hundred-twenty-third written examination, the student shall be given a hundred-twenty-fourth written examination within 239261039241284857122685270850462023680 days of the hundred-twenty-third written examination. If a student fails the hundred-twenty-fourth written examination, the student shall be given a hundred-twenty-fifth written examination within 478522078482569714245370541700924047360 days of the hundred-twenty-fourth written examination. If a student fails the hundred-twenty-fifth written examination, the student shall be given a hundred-twenty-sixth written examination within 957044156965139428490741083401848094720 days of the hundred-twenty-fifth written examination. If a student fails the hundred-twenty-sixth written examination, the student shall be given a hundred-twenty-seventh written examination within 1914088313930278856981482166803696189440 days of the hundred-twenty-sixth written examination. If a student fails the hundred-twenty-seventh written examination, the student shall be given a hundred-twenty-eighth written examination within 3828176627860557713962964333607392378880 days of the hundred-twenty-seventh written examination. If a student fails the hundred-twenty-eighth written examination, the student shall be given a hundred-twenty-ninth written examination within 7656353255721115427925928667214784757760 days of the hundred-twenty-eighth written examination. If a student fails the hundred-twenty-ninth written examination, the student shall be given a hundred-thirtieth written examination within 15312706511442230855851857334429569515520 days of the hundred-twenty-ninth written examination. If a student fails the hundred-thirtieth written examination, the student shall be given a hundred-thirty-first written examination within 30625413022884461711703714668859139031040 days of the hundred-thirtieth written examination. If a student fails the hundred-thirty-first written examination, the student shall be given a hundred-thirty-second written examination within 61250826045768923423407429337718278062080 days of the hundred-thirty-first written examination. If a student fails the hundred-thirty-second written examination, the student shall be given a hundred-thirty-third written examination within 122501652091537846846814858675436556124160 days of the hundred-thirty-second written examination. If a student fails the hundred-thirty-third written examination, the student shall be given a hundred-thirty-fourth written examination within 245003304183075693693629717350873112248320 days of the hundred-thirty-third written examination. If a student fails the hundred-thirty-fourth written examination, the student shall be given a hundred-thirty-fifth written examination within 490006608366151387387259434701746224496640 days of the hundred-thirty-fourth written examination. If a student fails the hundred-thirty-fifth written examination, the student shall be given a hundred-thirty-sixth written examination within 980013216732302774774518869403492448993280 days of the hundred-thirty-fifth written examination. If a student fails the hundred-thirty-sixth written examination, the student shall be given a hundred-thirty-seventh written examination within 1960026433464605549549037738806848897986560 days of the hundred-thirty-sixth written examination. If a student fails the hundred-thirty-seventh written examination, the student shall be given a hundred-thirty-eighth written examination within 3920052866929211099098075477613697795973120 days of the hundred-thirty-seventh written examination. If a student fails the hundred-thirty-eighth written examination, the student shall be given a hundred-thirty-ninth written examination within 7840105733858422198196150955227395591946240 days of the hundred-thirty-eighth written examination. If a student fails the hundred-thirty-ninth written examination, the student shall be given a hundred-fortieth written examination within 15680211467716844396392301910454791183892480 days of the hundred-thirty-ninth written examination. If a student fails the hundred-fortieth written examination, the student shall be given a hundred-forty-first written examination within 31360422935433688792784603820909582367784960 days of the hundred-fortieth written examination. If a student fails the hundred-forty-first written examination, the student shall be given a hundred-forty-second written examination within 62720845870867377585569207641819164735569920 days of the hundred-forty-first written examination. If a student fails the hundred-forty-second written examination, the student shall be given a hundred-forty-third written examination within 125441691741734755171138415283638329471139840 days of the hundred-forty-second written examination. If a student fails the hundred-forty-third written examination, the student shall be given a hundred-forty-fourth written examination within 250883383483469510342276830567276658942279680 days of the hundred-forty-third written examination. If a student fails the hundred-forty-fourth written examination, the student shall be given a hundred-forty-fifth written examination within 501766766966939020684553661134553317884559360 days of the hundred-forty-fourth written examination. If a student fails the hundred-forty-fifth written examination, the student shall be given a hundred-forty-sixth written examination within 1003533533933878041369107322269106635769118720 days of the hundred-forty-fifth written examination. If a student fails the hundred-forty-sixth written examination, the student shall be given a hundred-forty-seventh written examination within 2007067067867756082738214644538213271398237440 days of the hundred-forty-sixth written examination. If a student fails the hundred-forty-seventh written examination, the student shall be given a hundred-forty-eighth written examination within 4014134135735512165476429289076426542796474880 days of the hundred-forty-seventh written examination. If a student fails the hundred-forty-eighth written examination, the student shall be given a hundred-forty-ninth written examination within 8028268271471024330952858578152853085592949760 days of the hundred-forty-eighth written examination. If a student fails the hundred-forty-ninth written examination, the student shall be given a hundred-fiftieth written examination within 16056536542942048661905717156305706171185899520 days of the hundred-forty-ninth written examination. If a student fails the hundred-fiftieth written examination, the student shall be given a hundred-fifty-first written examination within 32113073085884097323811434312611412342371799040 days of the hundred-fifty-first written examination. If a student fails the hundred-fifty-first written examination, the student shall be given a hundred-fifty-second written examination within 64226146171768194647622868625222824684743598080 days of the hundred-fifty-first written examination. If a student fails the hundred-fifty-second written examination, the student shall be given a hundred-fifty-third written examination within 128452292343536389295245737250445649369487196160 days of the hundred-fifty-second written examination. If a student fails the hundred-fifty-third written examination, the student shall be given a hundred-fifty-fourth written examination within 256904584687072778590491474500891298738974392320 days of the hundred-fifty-third written examination. If a student fails the hundred-fifty-fourth written examination, the student shall be given a hundred-fifty-fifth written examination within 513809169374145557180982949001782597477948784640 days of the hundred-fifty-fourth written examination. If a student fails the hundred-fifty-fifth written examination, the student shall be given a hundred-fifty-sixth written examination within 1027618338748291114361965898003565194955897569280 days of the hundred-fifty-sixth written examination. If a student fails the hundred-fifty-sixth written examination, the student shall be given a hundred-fifty-seventh written examination within 2055236677496582228723931796007130389911795138560 days of the hundred-fifty-seventh written examination. If a student fails the hundred-fifty-seventh written examination, the student shall be given a hundred-fifty-eighth written examination within 4110473354993164457447863592014260779823590277120 days of the hundred-fifty-eighth written examination. If a student fails the hundred-fifty-eighth written examination, the student shall be given a hundred-fifty-ninth written examination within 8220946709986328914895727184028521559647180554240 days of the hundred-fifty-ninth written examination. If a student fails the hundred-fifty-ninth written examination, the student shall be given a hundred-sixtieth written examination within 16441893419972657829791454368057043119294361108480 days of the hundred-fifty-ninth written examination. If a student fails the hundred-sixtieth written examination, the student shall be given a hundred-sixty-first written examination within 32883786839945315659582908736114086238588722216960 days of the hundred-sixty-first written examination. If a student fails the hundred-sixty-first written examination, the student shall be given a hundred-sixty-second written examination within 65767573679890631319165817472228172771177444433920 days of the hundred-sixty-first written examination. If a student fails the hundred-sixty-second written examination, the student shall be given a hundred-sixty-third written examination within 131535147359781262638331634944456345542354888867840 days of the hundred-sixty-second written examination. If a student fails the hundred-sixty-third written examination, the student shall be given a hundred-sixty-fourth written examination within 263070294719562525276663269888912691084709777735680 days of the hundred-sixty-third written examination. If a student fails the hundred-sixty-fourth written examination, the student shall be given a hundred-sixty-fifth written examination within 526140589439125050553326539777825382169419555471360 days of the hundred-sixty-fourth written examination. If a student fails the hundred-sixty-fifth written examination, the student shall be given a hundred-sixty-sixth written examination within 1052281178878250101106653079555650764338839110942720 days of the hundred-sixty-sixth written examination. If a student fails the hundred-sixty-sixth written examination, the student shall be given a hundred-sixty-seventh written examination within 2104562357756500202213306159111301528677678221885440 days of the hundred-sixty-sixth written examination. If a student fails the hundred-sixty-seventh written examination, the student shall be given a hundred-sixty-eighth written examination within 4209124715513000404426612318222603057355356443770880 days of the hundred-sixty-seventh written examination. If a student fails the hundred-sixty-eighth written examination, the student shall be given a hundred-sixty-ninth written examination within 8418249431026000808853224636445206114710712887541760 days of the hundred-sixty-eighth written examination. If a student fails the hundred-sixty-ninth written examination, the student shall be given a hundred-seventieth written examination within 16836498862052001617706449272890412229421425775083520 days of the hundred-sixty-ninth written examination. If a student fails the hundred-seventieth written examination, the student shall be given a hundred-seventy-first written examination within 33672997724104003235412898545780824458842851550167040 days of the hundred-seventy-first written examination. If a student fails the hundred-seventy-first written examination, the student shall be given a hundred-seventy-second written examination within 67345995448208006470825797091561648917685703100334080 days of the hundred-seventy-first written examination. If a student fails the hundred-seventy-second written examination, the student shall be given a hundred-seventy-third written examination within 134691990896416012941651594183123297835371406200668160 days of the hundred-seventy-third written examination. If a student fails the hundred-seventy-third written examination, the student shall be given a hundred-seventy-fourth written examination within 269383981792832025883303188366246595670742812401336320 days of the hundred-seventy-fourth written examination. If a student fails the hundred-seventy-fourth written examination, the student shall be given a hundred-seventy-fifth written examination within 538767963585664051766606376732493191341485624802672640 days of the hundred-seventy-fifth written examination. If a student fails the hundred-seventy-fifth written examination, the student shall be given a hundred-seventy-sixth written examination within 1077535927171328103533212753464986382682971249605345280 days of the hundred-seventy-sixth written examination. If a student fails the hundred-seventy-sixth written examination, the student shall be given a hundred-seventy-seventh written examination within 2155071854342656207066425506929972765365942499210690560 days of the hundred-seventy-sixth written examination. If a student fails the hundred-seventy-seventh written examination, the student shall be given a hundred-seventy-eighth written examination within 4310143708685312414132851013859945530731884998421381120 days of the hundred-seventy-eighth written examination. If a student fails the hundred-seventy-eighth written examination, the student shall be given a hundred-seventy-ninth written examination within 8620287417370624828265702027719891061463769996842762240 days of the hundred-seventy-ninth written examination. If a student fails the hundred-seventy-ninth written examination, the student shall be given a hundred-eightieth written examination within 17240574834741249656531404055439782122927539993685524480 days of the hundred-seventy-ninth written examination. If a student fails the hundred-eightieth written examination, the student shall be given a hundred-eighty-first written examination within 34481149669482499313062808110879564245855079987371048960 days of the hundred-eighty-first written examination. If a student fails the hundred-eighty-first written examination, the student shall be given a hundred-eighty-second written examination within 68962299338964998626125616221759128491710159974742097920 days of the hundred-eighty-first written examination. If a student fails the hundred-eighty-second written examination, the student shall be given a hundred-eighty-third written examination within 137924598677929997252251232443518256983420319949484195840 days of the hundred-eighty-third written examination. If a student fails the hundred-eighty-third written examination, the student shall be given a hundred-eighty-fourth written examination within 2758491973558599945045024648870365139668406398989

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a) A minimum of six (6) hours of classroom instruction and six (6) hours of behind-the-wheel instruction must be offered to each student who enrolls in any driver training school. If a student declines the classroom instruction, the school shall secure a signed statement from the student on forms prescribed by the Department, wherein such student states that he has been offered the six (6) hours of classroom instruction and declines the instruction. Such statements shall be kept with the student's instruction records.

b) Classroom instruction shall be made available at least once each calendar month for students currently enrolled in the school and shall include instruction in safe driving practices in the operation of motor vehicles.

c) The minimum of six (6) hours of behind-the-wheel instruction shall consist of actual driving practice while in a motor vehicle. Instruction given while the vehicle is parked shall not be recorded or be considered as classroom instruction. Behind-the-wheel instruction must only be given in a motor vehicle owned or leased by the Driver Training School which has been safety inspected by the Illinois Department of Transportation and has insurance which has been certified by the Department.

d) The minimum of six (6) hours of classroom instruction shall be offered to all students enrolled for a regular course in any driver training school. Time spent by a student operating a driving simulator under the supervision of a licensed instructor may be counted as classroom instruction time, provided the student receives at least four (4) hours of lectures or other instruction on safe driving practices.

e) Students enrolled in a short review course need not comply with the minimum requirements stated above; however, no driver training school shall offer a short review course to any student who has never had a valid driver's license or a course in driver training and instruction which meets the minimum requirements prescribed above.

f) Behind-the-wheel driving lessons, observation lessons, travel time, or any combination thereof, shall not exceed three (3) hours in length for any student in any 24 hour period, excluding time spent at Driver's License Examination Facility for testing purposes. If more than one student is present in the training car, (e.g. one student behind-the-wheel, one observing), the total combined time should not exceed three (3) hours, excluding time spent at Driver's License Examination Facility for testing purposes.

g) Each driver training school must submit an "Enhanced Instruction Report" on a form prescribed by the Department showing the name, address, and number of behind-the-wheel instruction periods taken for every student who has had twenty-five (25) hours of

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behind-the-wheel instruction. A supplementary "Enhanced Instruction Report" must be submitted after each additional ten (10) hours of instruction and a final report must be submitted within five (5) days after any such student completes his instruction. A driver training school providing training for a commercial driver's license is exempt from this requirement.

h) A student must possess a current and valid instruction permit. The permit must be shown to the instructor by the student before each and every behind-the-wheel lesson.

i) The commercial driver training school instructor shall be responsible to verify that each student has a valid instruction permit before each and every behind-the-wheel lesson.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.80 Driver Training School Contracts

a) All written contracts or agreements between any driver training school and any individual or group for the sale, purchase, barter or exchange of any driving instruction of any classroom instruction, or the preparation of an applicant for examination given by the Department for a driver's license must contain the following:

- 1) A statement indicating that the student may receive at least six (6) hours of behind-the-wheel instruction, except if the contract is for a short review course;
- 2) A statement indicating the agreed contract price per hour or lesson, and the terms of payment;
- 3) A statement that the agreement constitutes the entire contract between the school and the student, and no verbal assurances or promises not contained herein shall bind the school or the student;
- 4) A statement concerning whether any additional charge is made for the use of the school vehicle in taking a driving test to obtain a driver's license;
- 5) A statement indicating whether behind-the-wheel instruction is to be in private or on a group basis;
- 6) A statement indicating the specific date and time when instruction is to begin, the hours of instruction and the location of the classroom, and;

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Section 1060.90 Inspection of School Facilities

a) Each driver training school shall permit authorized representatives of the Office of the Secretary of State to make reasonable inspections of all of the school's facilities. During such inspections each owner, partner, associate, corporate director, officer, manager or employee of any driver training school shall cooperate with the authorized representative and upon demand shall exhibit all records, instructional aids and other objects which are pertinent and necessary to the inspection or investigation.

b) Representatives of the Office of the Secretary of State shall make periodic, on the street checks of any instructor who is giving behind-the-wheel instruction to a student. Upon proper identification, the Secretary of State's representative may ask to see the student's driving permit or license and the instructor's license to teach driver training issued by the Secretary of State and any other identification to attest to the identity of the instructor or student.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.100 Licenses

a) Each driver training school shall comply with section 61409 of the Illinois Vehicle Code. (Ill. Reg. 1987/ CH 95 12/1 Part 61409) In addition, the branch classroom shall be identified as such by a permanent sign which indicates the location of the main office and classroom and which is reasonably visible to the general public from outside the branch classroom.

b) No license issued under the Illinois Vehicle Code to any person to operate a driver training school or to an instructor shall be transferable.

c) No individual, partnership, group, association or corporation may sell, assign, barter, or trade any driver training school license or driver training instructor license issued by the Secretary of State. No license issued under the Illinois Vehicle Code to any person to operate a driver training school or to an instructor shall be transferable.

d) When any licensed driver training school ceases to engage in the business of giving instruction for compensation in the driving of motor vehicles or the business of preparing an applicant for examination given by the Secretary of State for a driver's license or when, upon reasonable investigation, it appears that the school has ceased to do business, the owners, partners, associates, corporate directors, officers or managers of the driver training school shall surrender their driver training school license to the Secretary of State.

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7) The name and address of the school and the student, and the number and type of all licenses or permits to operate a motor vehicle held by the student.

b) If a contract or agreement between a driver training school and an individual for the sale, purchase, or charge for any driving instruction, or the preparation of an applicant for examination given by the Department for a driver's license, is not in writing, the driver training school shall file with the Department a written statement under oath indicating that all of its oral contracts and agreements have complied, and will comply, with the foregoing requirements. Such statement shall be filed when an application is made for a license to operate a driver training school. A new statement shall also be filed when the school requests the renewal of its license.

c) The term "No Refund" and such a policy concerning student payments is not permitted in any driver training school contract. A driver training school may use the phrase: "The school will not refund any tuition or part of tuition if the school is capable and willing to perform its part of the contract."

d) No driver training school shall include any statement in any of its contracts or advertising to the effect that an Illinois driver's license is guaranteed or that free lessons will be given any student who fails to pass a driver's license test, except statements provided below are permissible:

1) "No additional charge will be made for instruction given to students of this school who fail to pass the driver's license test"; and

2) "Students who fail to pass the test will be given further instruction at no additional charge".

e) No driver training school may sell, transfer, assign, exchange, trade or otherwise dispose of any contract or part of a contract, agreement or obligation between any driver training school and any student, unless the driver training school has obtained the written consent of the student.

f) If any driver training school fails to comply with the provisions of a contract or agreement by or between the driver training school or any of its students, the driver training school shall refund all monies deposited by the student as consideration for performance of the contract or agreement by the school, unless the student violates the provisions of the contract or agreement.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.110 Safety Inspection of Driver Training School Motor Vehicles

- a) All motor vehicles used by any driver training school or driver training instructor for driving instruction or driver training purposes shall be safety inspected by the Illinois Department of Transportation. Evidence of such inspection must accompany the initial or renewal driver training school application. Any new vehicle purchased after the issuance of a school license shall be so inspected for safety and such evidence of inspection must be delivered to the Department.
- b) Motor vehicles which have passed safety inspection shall be issued a safety inspection sticker, which identifies the year in which the sticker is valid. The safety inspection stickers shall not be removed unless the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.
- c) It shall be the responsibility of the driver training school to remove and destroy the safety inspection sticker when the term of its validity has expired or the motor vehicle ceases to be used by the driver training school for driver training instruction or driver training purposes.
- d) No motor vehicle may be used for driver training unless:
 - 1) It is equipped with a dual braking device which will enable an accompanying instructor to bring the car under control in case of an emergency as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Commercial motor vehicles are exempt from this requirement.
 - 2) If equipped with a standard transmission, it is equipped with at least a dual clutch and braking device which will enable an accompanying instructor to bring the car under control in case of an emergency. Commercial motor vehicles are exempt from this requirement.
 - 3) It is equipped with a driver and passenger side view mirror as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 19871991, ch. 95 1/2, par. 6-410(b)) [625 ILCS 5/6-410(b)];
 - 4) It is owned or leased in the name of a driver training school licensed by the Department or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department pursuant to Statute and these Rules, or is leased by a driver training school and a lease agreement is submitted to the Department signed by the lessor and lessee. The

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lease agreement shall contain the make, year, and ~~serial~~ vehicle identification number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;

- 5) It is in safe operating condition;
- 6) It is listed in the driver training school license application or supplemental application or schedule on file with the Department;
- 7) It is properly identified as a driver training motor vehicle by equipping the motor vehicle with a sign or signs visible from the front and the rear in letters no less than 2 inches tall, listing the full name of the driver training school which has registered and insured the motor vehicle pursuant to Section 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 19871991, ch. 95 1/2, par. 6-410(c)) [625 ILCS 5/6-410(c)];

98) Current and valid registration on the vehicle used for driver training must be retained in the vehicle;

99) It displays a current and valid safety inspection certificate/sticker.

e) The Department shall not issue an insurance sticker until the school has provided to the Department a vehicle Fleet Schedule which lists the vehicle(s) used by the school and which is signed by an authorized representative of the Illinois Department of Transportation.

f) The insurance certificate sticker shall be firmly attached to the lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License

- a) The ~~Department~~ Secretary of State shall not issue, or shall deny, cancel, suspend or revoke a driver training instructor's license:
 - 1) To any person who has not held a valid driver's license for any period of time within two (2) consecutive years immediately preceding the date of application for an instructor's license.

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The following shall not interrupt the running of the two (2) consecutive year requirement: a lapse in renewal of the driver's license of less than thirty (30) days, a lapse due to a suspension for an auto emissions violation, failure to appear, a warrant parking/traffic violation, a safety responsibility violation, a financial responsibility violation or an unsatisfied judgment, as described in 92 Ill. Adm. Code 1040.42; or an administrative revocation which has been rescinded;

- 2) To any person who has been convicted of ~~driving~~ three (3) or more offenses against traffic regulations governing the movement of traffic within the two (2) year period immediately preceding the date of application for an instructor's license;
- 3) To any person who has had two (2) or more convictions of a violation which caused an auto accident within the two (2) year period immediately preceding the date of application for an instructor's license;
- 4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, par. 11-501)[625 ILCS 5/11-501], leaving the scene of a fatal accident, pursuant to Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, par. 11-401)[625 ILCS 5/11-401], reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. ~~1987~~1991, ch. 38, par. 9-3)[720 ILCS 5/9-3], reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, par. 11-503)[625 ILCS 5/11-503], or any sex or drug related offense within 5 years prior to date of application;

- 5) To any person who has failed to pass the written or road test required by the Department for applicants for a driver training instructor's license;

- 6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, par. 6-411(d))[625 ILCS 5/6-411(d)]. An application/medical examination form provided by the Secretary of State shall be completed by the applicant and physician. The physician's medical examination form shall contain ~~any~~ nothing of ~~physical~~ physical ~~disability~~ disability ~~of~~ of ~~the~~ the ~~applicant's~~ applicant's ability to safely operate a motor vehicle. The form shall also contain an indication of the

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person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with subsection (d) of this Section;

- 7) To any person who fails to properly and fully complete an application for such license or otherwise indicates that he is unqualified to receive a driver training instructor's license;
- 8) To any person who is not employed or associated with a driver training school licensed by the Department as required pursuant to Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, par. 6-417)[625 ILCS 5/6-417];
- 9) To any person who is currently a salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office Policy Manual which states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State;
- 10) To any person who fails to supply a complete set of fingerprints to the Department as required pursuant to Section 6-411(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, par. 6-411(b))[625 ILCS 5/6-411(b)];
- 11) To any person who is not at least 21 years of age and a resident of the State of Illinois;
- 12) To any person who has failed to comply with the provisions of the these Rules pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, par. 6-411(d))[625 ILCS 5/6-411(d)];
- 13) To any person who is not of good moral character as required pursuant to Section 6-411(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, par. 6-411(a))[625 ILCS 5/6-411(a)]. In making a determination of good moral character, the Department is not limited to, but may consider the following:

- A) if the person has been convicted of a crime; or,
- B) the age of the person at the time any criminal conviction was entered; or,

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- C) the length of time that has elapsed since the person's last criminal conviction; or,
- D) the relationship of any criminal convicted to the ability to teach as a driver training instructor; or,
- E) any evidence of rehabilitation after a criminal conviction; or,
- F) opinions of community members concerning the applicant.

14) To any person whose suspension under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code has terminated within 5 years prior to date of application. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-501.1)[625 ILCS 5/11-501.1].

b) If an applicant indicates that he has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.

c) No driver training instructor shall provide behind-the-wheel instruction in a vehicle which is classified higher than the classification of such instructor's driver's license. An instructor may hold two classifications; one classification from Classes A, B, C and D, and one classification from Classes L and M. An instructor holding a Class A commercial driver's license may teach students to drive all Class A, B, C, and D vehicles. An instructor holding a Class B commercial driver's license may teach students to drive all Class B, C, and D vehicles. An instructor holding a Class C commercial driver's license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.

d) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor shall be able to teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person shall also pass the vision test, as provided in 92 Ill. Adm. Code 1030.80, 1030.70, the written test, as provided in 92 Ill. Adm. Code 1030.80, the highway safety sign test, and submit all applicable fees as set out in Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code before being issued an instructor's license for classroom instruction only. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-411(g))[625 ILCS 5/6-411(g)].

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e) All instructors who have ceased to be employed or associated with the designated school on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after such cessation.

f) If a driver training instructor license is not renewed within one year of the previous year's expiration date, the applicant shall be required to take examinations pursuant to Section 1060.130 of this Part.

g) An instructor shall not engage in fraudulent activity as defined in Section 1060.5 of this Part.

h) During the course of instruction in either classroom or behind-the-wheel, an instructor shall not engage in activity unrelated to normal driving instruction, that puts the student in danger.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.130 Examination for Driver Training Instructor

a) Each individual desiring to be licensed as a driver training instructor for a specific driver training school, must pass a written test, traffic control test, vision test, and a driving test which will be offered by the Department at periodic intervals.

1) The written test shall consist of questions dealing with:

- A) Chapter 625 of the Illinois Compiled Statutes;
- B) Safe Driving Practices;
- C) Operation of Motor Vehicles;
- D) Teaching Methods; and,
- E) Commercial Driver Training Schools (92 Ill. Adm. Code 1060).

2) In order to pass the written test which consists of one hundred (100) true/false and multiple choice questions, an individual shall answer at least eighty-five (85) of the questions correctly.

3) The individual shall meet the criteria established in 92 Ill. Adm. Code 1030.70 in order to pass the vision test.

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- 4) The individual shall meet the criteria established in 92 Ill. Adm. Code 1030.85 in order to pass the road test. The Department shall not issue a driver training instructor's license to any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-411(d)) [625 ILCS 5/6-411(d)]. The physician's medical examination report shall contain ~~any history of epilepsy, seizures, medical history, respiratory disease, or general history of the person's medical information which relates to the driver's medical ability to safely operate a motor vehicle.~~ The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with Section 1060.120(d) of this Part.

- 5) The individual shall not miss any questions on the official traffic control device test in order to pass the test.

- 6) Commercial driver accredited instructor applicants must take an additional written test which consists of twenty-five (25) multiple choice and true/false questions, with a pass rate of 21.

- b) Each applicant will be given a maximum of three (3) opportunities in a calendar year to pass the driver training instructor's examination. Individuals who fail the first time will be allowed to retake the exam at intervals of one (1) month. If they fail the second time, they must wait six months before reapplying. If they fail the third time, they must wait one year before reapplying. An applicant who fails the exam three times will be ineligible to apply for the next two years. The Department may require an applicant to complete additional training or education if they fail the exam. The Department may also require an applicant to provide proof of financial stability before being allowed to take the exam.

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- (Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.140 Temporary Permit

Pending the satisfaction of the Secretary of State that the applicant has met the requirements under these Rules, the Secretary of State may issue a temporary permit to any person applying for an instructor's license. Such temporary permit shall permit the giving of instruction for a period not ~~fewer~~ more than ninety (90) days while the Secretary of State is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license. The Secretary of State may cancel such temporary permit when he has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license has been issued or denied.

- (Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.150 Driver Training School Responsibility for Employees

- a) No driver training school shall employ or otherwise retain any individual to give classroom instruction or behind-the-wheel instruction unless the individual has a valid, current driver training instructor's license for that school issued by the Secretary of State.
- b) Qualified and recognized experts in the fields of driver training, traffic regulation, or motor vehicle operation or maintenance may give occasional classroom lectures without having a valid current driver training instructor's license, provided the driver training school which secures the services of any such expert notifies the Office of the Secretary of State, Driver Training School Section, in advance, indicating the name, address and qualifications of the expert and the proposed lecture dates.
- c) ~~Each driver training instructor employed by or associated with any driver training school shall be deemed an agent of the driver training school and the school shall share the responsibility for all acts performed by the instructor which are within the scope of his employment and which occurred during the course of his employment.~~ Any individual employed by, or associated with, any driver training school, and all acts performed by an instructor shall be presumed acts within the scope of employment unless the school can provide competent evidence to the contrary.
- d) If a licensed instructor is temporarily suspended, laid off or discharged by a driver training school, the school shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, of listing the name, address, and license number of the school instructor, such instructor's termination date, and the reason for the termination. ~~If the school intends to employ such instructor at the~~

- b) Qualified and recognized experts in the fields of driver training, traffic regulation, or motor vehicle operation or maintenance may give occasional classroom lectures without having a valid current driver training instructor's license, provided the driver training school which secures the services of any such expert notifies the Office of the Secretary of State, Driver Training School Section, in advance, indicating the name, address and qualifications of the expert and the proposed lecture dates.

- c) Each driver training instructor employed by or associated with any driver training school shall be deemed an agent of the driver training school, and the school shall share the responsibility for all acts performed by the instructor/ which are within the scope of its employment and which occurred during the course of his employment/ Any individual employed by, or associated with, any driver training school, and all acts performed by an instructor shall be presumed acts within the scope of employment unless the school can provide competent evidence to the contrary.

- d) If a licensed instructor is temporarily suspended, laid off or discharged by a driver training school, the school shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, of listing the name, address, ~~and~~ license number of the ~~instructor~~ ~~instructor~~. ~~If the school intends to employ another instructor, the school shall notify the Secretary of State of the termination.~~

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i) Accredited teen driver training schools must follow the approved classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for certification. The Department shall determine compliance with this provision by unannounced inspections of teen classes and records. At least one such inspection shall take place every two (2) months.

ii) If such classroom or behind-the-wheel outlines are substantially changed, revised outlines must be submitted in duplicate to the Director of the Department for approval. A letter shall be sent to the driver training school informing them if their classroom or behind-the-wheel outline has been approved.

B) Instructional materials shall be available and shall include one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film strip or slide projector and films which correspond with the outline described in paragraph (b)(2)(A) of this Section.

C) A professional library containing an assortment of reference and textbooks, pamphlets and other publications which is available for the use of students and teachers.

c) Teacher Qualifications

1) Classroom Teacher Qualifications - Each teen accredited driver training school must have at least one classroom instructor employed who meets the standards of Section 6-411 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987/1991, ch. 95 1/2, par. 6-411)(625 ILCS 5/6-411), pertaining to classroom instructors who teach approved driver education courses to students under 18 years of age.

A) A classroom driver training instructor teaching the teen accredited program must comply with Sections 1060.140120/140130 and 1060.140130 of this Part.

B) The instructor must possess good physical and mental health.
An application/physical exam form will be provided by the
Secretary of State which must be completed by the instructor
and a physician

C) The instructor must qualify under one of the following requirements:

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At the time of the visit, the Secretary of State employee shall verify that the school meets the standards set forth for the commercial driving schools in Section 6-401 et seq. of the Illinois Vehicle Code. (Ill. Rev. Stat. 19871991, ch. 95 1/2, par. 6-401 et seq.)[625 LCSC 5/6-401 et seq.]. In addition, the school shall meet the standards for commercial driver school (b) accreditation that are set forth in Sections 1060.240(b)180(b) through (M)(f) of this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be certified to offer instruction to students under the age of 19.

2) The accreditation of each school is renewable ~~for~~ for ~~four~~ four years upon the expiration date of the school license provided all qualifications and standards are met and provided the school has been in compliance with all rules.

3) Only qualified teaching personnel may teach persons under age 18. Exception: In the event of any emergency situation wherein the only available teacher terminates his or her employment, or must take a leave of absence, while a course remains ~~uncompleted~~ incomplete, other licensed instructors may take over and complete the course. No new courses may be started before properly qualified teaching personnel are again available. In all such cases the Department must give prior approval. Approval shall not be given until the Department has checked the roster of instructors at the school and determined that no other teacher licensed by the Secretary of State to teach students under 18 is available at the school.

b) Required Facilities - All teen accredited driver training schools must provide all classroom and vehicle facilities and equipment as prescribed in the driving school laws and regulations as administered by the Secretary of State. Those who desire to provide instruction for persons under the age of 18 must comply with Section 1060.0050 of this Part. Schools in operation at the time that this Part becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

1) Required Course of Instruction

A) Two (2) copies of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the recommended "Illinois Driver Education Curriculum." Said outlines must meet the approval of the Director of the Department.

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i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3). (Minor - 16 semester hours).

ii) Hold a baccalaureate degree, have one (1) year of teaching experience in primary, secondary or higher education and complete a 48 hour course approved by the Director of the Department.

iii) Complete the 48 hour course or an equivalent college or university course approved by the Director of the Department, and have ~~one~~ (1) ~~year~~ year six (6) months of experience teaching behind-the-wheel to adults.

2) Behind-the-wheel Teacher Qualifications - Behind-the-wheel teachers of driving shall be those who have passed an objective typewritten examination based upon current textbooks and the Motor Vehicle Code; a practical test regarding their ability to drive and to instruct others; and investigation of their moral character and driving record as required in Section 6-411(a) through (f) of the Illinois Vehicle Code (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, pars. 6-411(a) through (f)) [625 ILCS 5/6-411(a) through (f)] and supplementary regulations.

A) A driver training instructor teaching the teen accredited behind-the-wheel program must comply with Sections 1060.1~~0~~120 and 1060.1~~0~~130 of this Part.

B) The instructor must possess good physical and mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.

C) The instructor must qualify under one of the following requirements:

i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3).

ii) Hold a baccalaureate degree and have one (1) year of experience in teaching behind-the-wheel to adults.

iii) Have seven (7) years of uninterrupted teaching experience in a commercial driver training school.

iv) Be licensed by the Secretary of State, complete the 48 hour course or an equivalent college or university course approved by the Director of Driver Services, and have ~~one~~ (1) ~~year~~ year six (6) months of experience teaching behind-the-wheel to adults.

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3) Classroom and/or behind-the-wheel driver education teachers are to be assigned not more than eight (8) clock hours of instructional work daily.

d) Student Qualifications

1) Effective January 1, 1994, no driver training school or driver training school instructor licensed by the Secretary of State may provide any classroom or behind-the-wheel instruction to any student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code are complied with. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-408.5) [625 ILCS 5/6-408.5].

2) A superintendent or chief school administrator may waive the requirements contained in this Section if he/she deems it to be in the best interests of the student. The State Board of Education may, at their discretion, by rule or regulation, establish guidelines for the waiver of the requirements of Section 6-408.5 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-408.5) [625 ILCS 5/6-408.5]

3) Prior to a driver training school or driver training school instructor providing any classroom or behind-the-wheel instruction to a student, the driver training school or driver training instructor must receive written approval from a superintendent or school administrator on a form prepared or approved by the Secretary of State stating the student is enrolled in school and has received a passing grade in at least eight (8) courses during the previous two (2) semesters or must receive copies of the students' report cards for the previous two (2) semesters indicating a passing grade in at least eight (8) courses.

4) Prior to a driver training school or driver training school instructor providing any classroom or behind-the-wheel instruction to a student who has been waived from the requirements of Section 6-408.5 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-408.5) [625 ILCS 5/6-408.5], the driver training school or driver training school instructor must receive written approval from a superintendent, school administrator on a form prepared or approved by the Secretary of State and approval from the Secretary of State's Commercial Driver Training Section.

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5) The driver training school and/or driver training school instructor shall maintain a copy and make available for inspection the student's driver education approval form or report card.

4e) Classroom Instruction - for persons under age 18 years

1) No classroom instruction shall be provided to any person who is enrolled as a student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code are complied with. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-408.5)[625 ILCS 5/6-408.5]

12) Classroom instruction shall include not less than 30 class hours. Instructional periods are to be no longer than two (2) hours daily with meetings distributed regularly throughout the minimum of four complete weeks. The maximum number of students cannot exceed 30 per class for classroom instruction unless the size of the classroom exceeds 350 square feet, then a maximum of 35 students shall be allowed.

23) Classroom instruction shall include subject matter relating to the rules of the road, safe driving practices, pedestrian safety, driver responsibility, theory of driving, defensive driving techniques, behavioral characteristics of drivers, auto insurance and financial responsibility, development of perception for driving, emergency situation procedures, the use of automobile safety devices, and the effects of alcohol and/or other drugs on driving.

34) Each classroom course must have a definite starting date and completion date. Late registrations shall not be accepted beyond the third day of the course, at which time the course must be closed to further enrollments.

45) Late registrants and absentees shall be given make-up instruction and assignments. No school shall permit the student to be absent from more than four (4) class sessions without requiring the student to re-enroll in a later course and to start over.

56) The teaching facilities must provide adequate, comfortable seating for ~~14~~ 14 students. Lighting must be adequate and the maintenance (housekeeping) of the room orderly.

67) A textbook on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the recommended course outline.

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78) Audio-visual materials shall be used as a supplement to the teacher's presentation but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.

89) A regular schedule of classroom testing shall be followed. Student progress in acquaintance with information, data, and knowledge is to be periodically evaluated. Criteria for passing or failing the course must be evident to the students and successful completion clearly defined.

910) Each student shall be informed prior to the time instruction begins of the character and amount of any and all fees or charges made for enrollments or registration, tuition, use of equipment, text and reference materials, supplies, and any service, equipment, or materials provided by the commercial driving school.

1011) Instruction for each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period unless the course is canceled and the student is refunded any fees already paid.

1112) A listing of students enrolled in the classroom shall be sent to the Department of Driver Services Blue Slip Unit within three (3) days of the date classroom instruction begins on forms provided by the Secretary of State. A certificate will not be issued to anyone whose name has not been submitted on this form signed by an authorized official of the school.

4f) Laboratory Instruction - for persons under age 18 years

1) No laboratory instruction shall be provided to any person who is enrolled as a student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code are complied with. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-408.5)[625 ILCS 5/6-408.5]

12) Laboratory instruction shall not begin until such time as the student is enrolled in a classroom program of driver education and possesses the basic information required for safe operation of a vehicle in traffic. At least four (4) hours of classroom instruction must be given before behind-the-wheel lessons are started.

23) Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.

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34) Not less than two nor more than four students are to occupy the car with an instructor when instruction is in progress. Student driving experiences shall be for periods of not more than ninety (90) minutes for each student per session. The accumulation of six (6) hours of practice driving shall be distributed regularly throughout a minimum of two complete weeks. Although observation time in the car may not be counted as practice driving, a minimum of six (6) hours is required. The only exception shall be when a parent requests that observers be excluded because the student is disturbed by having an observer in the car.

45) Each student shall receive a minimum of six (6) full hours of behind-the-wheel instruction. There can be no allowance for any absences without actual make-up time spent behind-the-wheel. Satisfactory completion denotes that each student has the competencies to be certified by the school for issuance of a certificate.

36) Lesson time or practice driving time may not be used to call for, deliver or dismiss other students to their homes or pick-up points.

37) Practice driving instruction shall include actual experience in starting, stopping, shifting, turning, backing, parking, steering, and emergency situation procedure in a vehicle equipped according to Section 6-410 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987/1991, ch. 95 1/2, par. 6-410)[625 ILCS 5/6-410].

fg) Records

1) Records shall be maintained by schools which substantiate daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of classroom as well as laboratory instruction. Students are to be identified by their social security numbers as well as by name, address and other personal information. Such records are to be on file in the office of the management for a period of three (3) years.

2) A Secretary of State form shall be used for submitting the names of those students who have satisfactorily fulfilled the requirements of the complete course in driver education and who qualify for a certificate. The form shall be signed by an authorized official of the school.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.190 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License

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aj) The Secretary of State shall deny a Driver Training School's License if

1) To any person who of good moral character as provided in 61402.41 of the Illinois Driver's License Act or the Illinois Vehicle Code (Ill. Rev. Stat. 1987/ ch. 95 1/2, par. 61402.41/1)

2) To any person who is not at least 21 years of age as provided in 61402.41 of the Illinois Driver's License Act or the Illinois Vehicle Code (Ill. Rev. Stat. 1987/ ch. 95 1/2, par. 61402.41/1)

3) To any person who lacks a minimum of a high school education or the equivalent as provided in 61402.41 of the Illinois Driver's License Act or the Illinois Vehicle Code (Ill. Rev. Stat. 1987/ ch. 95 1/2, par. 61402.41/1)

4) To any school which fails to meet the vehicle standards

aj) At least one vehicle owned or leased by the school as provided in Section 1060.140(d)(4) of this Part.

bj) Proper bodily injury and property damage liability insurance as provided in Section 61402.41 of the Illinois Driver's License Act or the Illinois Vehicle Code (Ill. Rev. Stat. 1987/ ch. 95 1/2, par. 61402.41) and Section 1060.120 of the Part.

cj) Proper safety bond as provided in 61402.41 of the Illinois Driver's License Act or the Illinois Vehicle Code (Ill. Rev. Stat. 1987/ ch. 95 1/2, par. 61402.41/1)

dj) Vehicle files to pass Illinois Department of Transportation safety inspection test as provided in Section 61410 of the Illinois Driver's License Act or the Illinois Vehicle Code (Ill. Rev. Stat. 1987/ ch. 95 1/2, par. 61410) and Section 1060.140 of this Part.

ej) Proper registration plates purchased for Section 61402 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987/ ch. 95 1/2, par. 61402.41)

fj) Dual brakes as provided in Section 61410(b) of the Illinois Driver's License Act or the Illinois Vehicle Code (Ill. Rev. Stat. 1987/ ch. 95 1/2, par. 61410(b) and Section 1060.140(d)(1) of this Part.

gj) Mirrors on both sides of vehicle as provided in Section 1060.140(d)(3) of this Part.

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- M) Classrooms facility does not contain the following:
- i) Seating facilities and wiring surfaces for not less than 12 students pursuant to Section 1060/80 (a)(1) of this Part;
 - ii) Charts, and diagrams, traffic signs, or pictures relating to the operation of motor vehicles and traffic laws pursuant to Section 1060/80(a)(2) of this Part;
 - iii) Blackboards which are visible from all seating areas pursuant to Section 1060/80(a)(3) of this Part;
 - iv) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws pursuant to Section 1060/80(a)(4) of this Part;
 - v) Two fire extinguishers in operable condition pursuant to Section 1060/80(a)(5) of this Part;
 - N) Branch classrooms does not meet the following criteria:
 - i) The branch classrooms meets all the requirements of the main classroom facility as provided in Section 1060/80(b)(1) of this Part;
 - ii) The branch classroom is not more than fifty (50) miles from the main office of type (3) miles from a branch office operated by the driver training school pursuant to Section 1060/80(b)(2) of this Part;
 - iii) Each main classroom of branch classroom shall have a minimum of 300 square feet of classroom space and the main classroom shall be within the same premises as the main office facility pursuant to Section 1060/80(b)(3) of this Part;

16) To any school which fails to comply with the rules of the Capital Development Board established Illinois Accessibility Code, 171 Ill. Ann. Code 400/1

The Secretary of State shall deny a driver training instructor's license;

17) To any person who has not held a valid driver's license for any period of time within two (2) consecutive years immediately preceding the date of application for an instructor's license, the following shall not interfere the training of the two (2) consecutive year requirement, a lapse in renewal of the driver's license of less than thirty (30) days, a lapse due to a suspension for an auto emissions violation, failure to appear, a

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Warfare training/training violation, a safety responsibility violation, a financial responsibility violation, or an unauthorized judgment as provided in Section 1060/150(a)(1) of this Part;

2) To any person who has been convicted of more than two (2) offenses against traffic regulations governing the movement of traffic within the two (2) year period immediately preceding the date of application for an instructor's license as provided in Section 1060/150(a)(2) of this Part;

3) To any person who has had more than one (1) conviction arising from an auto accident within the two (2) year period immediately preceding the date of application for instructor's license as provided in Section 1060/150(a)(3) of this Part;

4) To any person who has been convicted of driving under the influence of alcohol and/or drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (11 Rev. Stat. 1987) Ch. 95 1/2, Part 11-501, leaving the scene of a fatal accident pursuant to Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (11 Rev. Stat. 1987) Ch. 95 1/2, Part 11-401, reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 (11 Rev. Stat. 1987) Ch. 98, Part 9-3, of reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (11 Rev. Stat. 1987) Ch. 95 1/2, Part 11-503, within 5 years prior to date of application as provided in Section 6-420 of the Illinois Driver License Code of the Illinois Vehicle Code (11 Rev. Stat. 1987) Ch. 95 1/2, Part 6-420 and Section 1060/150(a)(4) of this Part;

5) To any person who has failed to pass the written or road tests required by the Secretary of State for application for a driver training instructor's license as provided by Section 6-411(c) of the Illinois Driver License Law of the Illinois Vehicle Code (11 Rev. Stat. 1987) Ch. 95 1/2, Part 6-411(c) and Section 1060/150(a)(5) of this Part;

6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as provided in Section 6-411(d) of the Illinois Driver License Law of the Illinois Vehicle Code (11 Rev. Stat. 1987) Ch. 95 1/2, Part 6-411(d) and Section 1060/150(a)(6) of this Part;

7) To any person who fails to properly make application for such license or otherwise indicates that he is unqualified to receive a driver training instructor's license as provided in Section 1060/150(a)(7) of this Part;

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8) To any person who is not employed or associated with a driver training school license by the Secretary of State as provided in Section 1060/150(a)(8) of this Part.

9) To any person who is contractually a salaried employee of the Secretary of State as provided in Section 1060/150(a)(9) of this Part.

10) To any person who fails to supply a complete set of his fingerprints to the Secretary of State as provided by Section 641(b) of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 641(b)) and Section 1060/150(a)(10) of this Part.

11) To any person who is not at least 21 years of age and a resident of the State of Illinois as provided in Section 1060/150(a)(11) of this Part.

12) To any person who has failed to comply with Section 1060/150(a)(12) of this Part pursuant to Section 641(d) of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 641(d)).

13) To any person of poor moral character as provided in Section 641(a) of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 641(a)).

14) To any person who lacks a minimum of a high school education or equivalent as provided in Section 641(f) of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 641(f)).

15) To any person who has submitted an approved application as provided in Section 642(a)(3) of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 642(a)(3)).

16) To any person who fails to submit a proper fee as provided in Section 641(g) of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 641(g)).

17) To any person who is employed by or owns another driver training school pursuant to Section 1060/20 of this Part and Section 6417 of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6417).

18) To any person who is contractually employed in Section 642(a)(1) of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 642(a)(1)).

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19) To any person who is contractually employed

20) To any person who has had his privileges to obtain a license suspended in violation of Section 1060/10 of this Part and

21) To any person who owns any outstanding fees to the Secretary of State pursuant to Section 6420(13) of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6420(13)).

22) To any person who is a suspension under Section 1150(1) of the Illinois Rules of the Road of the Illinois Vehicle Code and is prohibited within 5 years prior to date of application (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 1150(1)).

A computerized driver training school license and instructor's license shall be conducted, supervised, or reviewed department on the security of the information if the school or instructor violates the regulations and law governing computerized driver training schools as found in Section 1060/250 (c) through (s) and Section 6402 et seq. of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6402 et seq.).

A school license shall be given a written warning and be suspended (10) days to correct the following violations of law if the license is renewed:

1) A violation of any requirements in Sections 1060/50, 1060/60, 1060/70, and 1060/80 and Sections 6403, 6404, 6405, 6406, and 6407 of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6403, 6404, 6405, 6406) and 6407, relating to the facilities of the school.

2) Improper record keeping in violation of Sections 6408 of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6408).

3) Failure to provide records upon demand by an employer of the government or driver training school.

4) Failure of school to comply with the vehicle

5) Failure of a vehicle used for instruction to have a safety inspection certificate.

6) Failure to pay any fees required by Section 6402(1) of the Illinois Driver License Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6402(1)).

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1) If a school is accredited to keep records pursuant to Section 1060/240 of this part, it shall keep records as required in Section 1060/240 of this part. The school shall keep these records as follows in Section 1060/240 of this part. If the school is accredited to keep records pursuant to Section 1060/240 of this part, it shall keep these records as follows in Section 1060/240 of this part. If the school is accredited to keep records pursuant to Section 1060/240 of this part, it shall keep these records as follows in Section 1060/240 of this part.

2) The instructor shall also be given a warning and ten (10) days to correct the following violations of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6402.11).

3) In order to keep records in violation of Section 6410 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6410.11).

4) Failure to keep records on teen pupils or failure to produce records upon demand by an employee of the Commercial Driver Training School.

5) A commercial driver training school's license shall be cancelled upon discovery of the school's failure to post bond as required by Section 6402.11 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6402.11).

6) A commercial driver training school's license shall be immediately cancelled for failure to have insurance as required by Section 6402.11 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6402.11). If the school cannot provide the Department with proof of insurance within seven (7) days of the notice of cancellation.

7) An instructor's license shall be cancelled upon notification to the Commercial Driver Training Section that the instructor is no longer employed by the school or no longer has a valid driver's license.

8) If a branch license is cancelled because the branch facility does not meet the standards found in Section 1060/240 of this part, the school's license shall not be cancelled but the branch shall remain closed until the branch facility comes into compliance.

9) In order to be eligible to be reinstated following cancellation, the school or instructor shall apply for a license, pay the required application fee of \$100.00 for a school and \$100.00 for an instructor, and the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6402.11) and \$100.00 for an instructor as required by Section 6410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6410.11) and demonstrate compliance with the provisions of this part for which the cancellation was issued. If proof of reinstatement is not satisfactory, the school shall be required upon notification to be re-accredited.

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1) A commercial driver training school's license shall be suspended after being given a warning about not being opened during posted hours and another such incident occurs within ten (10) days. If a school is given three (3) written warnings during any twelve (12) month period for any violation of this part of the Section 6401 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6401.11) the school's license shall also be suspended. The length of the suspension shall be two weeks for the first offense and one month for the second offense and three months for the third offense.

2) An instructor's license shall be suspended after being given a written warning about giving students more than three (3) hours of behind-the-wheel instruction within a twenty-four (24) hour period, pursuant to Section 1060/100 of the part. If an instructor is given three (3) written warnings during any twelve (12) month period for any violation of this part of the Section 6401 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6401.11) his/her license shall be suspended. The length of the suspension shall be two weeks for the first offense and one month for the second offense and three months for the third offense.

3) A school and/or instructor's license shall be suspended immediately if it is discovered they are teaching students behind-the-wheel when they do not have instruction permits or they are teaching in a vehicle not owned by the school. The length of the suspension for these offenses shall be three (3) months. The second incident within two (2) years shall result in a six (6) month suspension and the third incident shall result in revocation.

4) The length of a suspension for the first incident of fraud shall be three (3) months for an instructor of school. If the instructor of school engages in a second fraudulent activity within two (2) years, the instructor's license and/or school's license shall be revoked.

5) The instructor of school who wishes to have a license reinstated following suspension shall reapply and pay the application fee of \$100.00 for schools as required by 6402.11 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6402.11) and \$100.00 for instructors as required by 6411.11 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6411.11).

6) A commercial driver training school license shall be revoked if the school is given four (4) or more written warnings within a twelve (12) month period for any type of violation of this part of Section 6401 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6401.11).

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1) Any instruction's license shall be revoked;

2) If the school is convicted of the following:

A) A violation of Section 11501 of the Illinois Rules of the Road (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11501) relating to driving under the influence of drugs and/or alcohol;

B) A violation of Section 11503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11503) relating to reckless driving;

C) A violation of Section 913 of the Official Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 913) relating to reckless homicide;

D) A violation of Section 11401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11401) relating to leaving the scene of a fatal accident; or

E) Any sex of drug related offenses;

2) If the school has been given four (4) or more written warnings within a twelve (12) month period for any type of violation of the provisions of this part of the Code except in a second fraudulent activity as defined in Section 1060.250(a) within twelve (12) months;

3) If the school has received a suspension of driving privileges under Section 115011 of the Illinois Rules of the Road of the Illinois Vehicle Code, which has terminated within the last 3 years prior to date of application; (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 115011);

4) A revocation shall be for an indefinite time period. After one (1) year, the school of instruction may apply for reinstatement by providing a formal administrative hearing as found in 92 Ill. Adm. Code 1001. Subpart A;

a) The Secretary of State may deny or cancel a commercial driver training school license for failing to correct after being served written notice, giving five business days to correct any violation of the following regulations and laws governing commercial driver training schools:

1) a violation of any requirements in Sections 1060.50 of this Part and Sections 6-403, 6-404, 6-405, 6-406, and 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill.

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Rev. Stat. 1991, ch. 95 1/2, pars. 6-403, 6-404, 6-405, 6-406, and 6-407)[625 ILCS 5/6-403, 6-404, 6-405, 6-406, and 6-407] relating to the physical facilities of the school;

2) a violation of any requirements in Section 1060.60 of this Part and Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-408)[625 ILCS 5/6-408] relating to the maintenance of driver training school records;

3) a violation of any requirements in Section 1060.110 of this Part and Section 6-410 of the Illinois Driver License Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-410)[625 ILCS 5/6-410] relating to the safety inspection and requirements of a driver training school's motor vehicles;

4) failure of school to own or lease a vehicle;

5) failure to pay the fees required by Section 6-402 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-402(i))[625 ILCS 5/6-402(i)];

6) for a violation of Section 1060.20(a)(2) of this Part relating to the employment of a licensed driver training instructor;

7) for any violation of the requirements of Section 1060.30 of this Part relating to driver training school names and business organizational status;

8) for any violation of the requirements of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1991, ch. 32, par. 1.01 et seq.)(805 ILCS 5/1.01);

b) A commercial driver training school's license shall be immediately canceled;

1) for a violation of the requirements of Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 5/6-402(e))[625 ILCS 5/6-402(e)];

2) for a violation of the requirements of Section 6-402(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-402(d))[625 ILCS 5/6-402(d)];

3) for a violation of the requirements of Section 1060.90 of this Part;

4) for a violation of the requirements of a vehicle used for instruction to have a safety inspection sticker as required by Section 1060.110 of this Part and Section 6-410 of the Illinois

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Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-410)[625 ILCS 5/6-410];

- 5) for a violation of the requirement of a vehicle used for instruction to have a current and valid registration on the vehicle used for driver training that is retained in the vehicle as required by Section 1060.110(d)(9) of this Part;

- c) If a branch license is canceled because the branch facility does not meet the standards found in Section 1060.50 of this Part, the school's license shall not be canceled but the branch shall remain closed until the branch facility comes into compliance;

- d) In order to be eligible to be reinstated following cancellation, the school shall reapply for a license, pay the required application fee of \$250.00 for a school as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-402(i))[625 ILCS 5/6-402(i)]; and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g. proof of insurance).

- e) The Secretary of State may cancel a commercial driver training school instructor's license:

- 1) For failing to correct after being served written notice, giving two business days to correct any violation of the following regulations and laws governing commercial driver training school instructors:

- A) Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-418)[625 ILCS 5/6-418].

- 2) A commercial driver training school instructor's license shall be immediately canceled:

- A) upon notification to the Commercial Driver Training Section that the instructor is no longer employed by the school or no longer has a valid driver's license;

- B) for failure to produce records upon demand by an employee of the Commercial Driver Training School Unit.

- 3) In order to be eligible to be reinstated following cancellation, the instructor shall reapply for a license; pay the required fee of \$35.00 for an instructor as required by Section 6-411(g) of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-411(g))[625 ILCS 5/6-411(g)]; and demonstrate compliance with the provisions of this Part for which cancellation was issued (e.g. proof of insurance).

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- f) The Secretary of State may suspend a commercial driver training school license up to one (1) year depending on the severity of the violation if the school violates any of the following regulations and laws governing commercial driver training schools:

- 1) For any violation of this Part of Section 6-401 et seq. of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-401 et seq.)[625 ILCS 5/6-401 et seq.];

- 2) A violation of Section 1060.50 of this Part;

- 3) A violation of Section 1060.60 of this Part;

- 4) A violation of Section 1060.70 of this Part;

- 5) A violation of Section 1060.90 of this Part;

- 6) A violation of Section 1060.150 of this Part;

- 7) A violation of Section 6-407 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-407)[625 ILCS 5/6-407];

- 8) A violation of Section 6-409 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-409)[625 ILCS 5/6-409];

- 9) A violation of Section 6-408 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-408)[625 ILCS 5/6-408];

- 10) If a school accredited to teach teens pursuant to Section 1060.180 of this Part fails to keep teenage records as required in Section 1060.180(f), the school shall have their teen accreditation as found in Section 1060.180(a) suspended, but not their school license;

- 11) If a school accredited to teach teens pursuant to Section 1060.180 of this Part violates any of the provisions in Section 1060.180(d), the school shall have their teen accreditation as found in Section 1060.180(a) suspended, but not their school license;

- 12) A school which wishes to have a license reinstated following suspension shall reapply and pay the application fee of \$250.00 as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-402(i))[625 ILCS 5/6-402(i)].

- g) The Secretary of State may suspend a commercial driver training school instructor's license up to one (1) year depending upon the severity of the infraction, if the instructor violates any of the following regulations and laws governing commercial driver training schools:

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- 1) for any violation of this Part or Section 6-401 et seq. of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-401 et seq.)[625 ILCS 5/6-401 et seq.];
- 2) a violation of Section 1060.100(h) of this Part;
- 3) a violation of Section 1060.70 of this Part;
- 4) a violation of Section 1060.120 of this Part;
- 5) a violation of Section 1060.160 of this Part;
- 6) a violation of Section 1060.180(d) of this Part;
- 7) an instructor who wishes to have a license reinstated following suspension shall reapply and pay \$35.00 required by Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-411(g))[625 ILCS 5/6-411(g)].

h) The Secretary of State may revoke a commercial driver training school license if the school violates any of the following regulations and laws governing commercial driver training schools:

- 1) if the school engages or permits any type of fraudulent activity, either with reference to a student of the Secretary of State;
- 2) for selling, assigning, bartering, or trading any school or instructor license issued by the Secretary of State;
- 3) for remaining in operation if the school's license has been suspended, canceled, revoked, or not renewed;
- 4) for having unauthorized possession of application forms or questionnaires used by the Driver Services Department of the Secretary of State's Office in conjunction with administering driver's license examinations;
- 5) for making a false statement or knowingly concealing a material fact in the application for a school license;
- 6) for a subsequent violation of Section 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-407)[625 ILCS 5/6-407];
- 7) for repeated violations of this Part or Sections 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-401 et seq.)[625 ILCS 5/6-401 et seq.].

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- 8) a revocation shall be for an indefinite period. After one (1) year the school may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Adm. Code 1001, Subpart A.

i) The Secretary of State may revoke a commercial driver training school instructor's license if the instructor violates any of the following regulations and laws governing commercial driver training schools:

- 1) if he/she is convicted of the following:
 - A) a violation of Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-501)[625 ILCS 5/11-501] relating to driving under the influence of drugs and/or alcohol.
 - B) a violation of Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-503)[625 ILCS 5/11-503].
 - C) a violation of Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, par. 9-3)[720 ILCS 5/9-3] relating to reckless homicide.
 - D) a violation of Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-401)[625 ILCS 5/11-401].
 - E) any sex or drug related offense.
- 2) If he/she engages or permits any type of fraudulent activity either with reference to a student of the Secretary of State;
- 3) A violation of Section 6-420(5) of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-420(5))[625 ILCS 5/6-420(5)];
- 4) If he/she aids or assists an applicant in obtaining a driver's license by fraudulent procedure;
- 5) If he/she have in their possession unauthorized application forms or questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations;
- 6) For repeated violations of this Part or Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-401 et seq.)[625 ILCS 5/6-401 et seq.].

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7) If he/she has received a suspension of driving privileges under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code, which has terminated within the last ten (10) years prior to the date of application (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-501.1)[625 ILCS 5/11-501.1].

8) A revocation of an instructor's license shall be for an indefinite period of time. After one (1) year, the instructor may apply for reinstatement by requesting a formal administrative hearing as found in 91 Ill. Adm. Code 1001, Subpart A.

i) An owner's or instructor's license shall be revoked for lack of good moral character. In making a determination of good moral character, the Department is not limited to, but may consider the following:

- 1) If the owner or instructor has been convicted of a crime; or
- 2) The relationship of any crime convicted of to the ability to operate a driver training school; or
- 3) Opinions of the community members concerning the owner or instructor; or
- 4) The length of time that has elapsed since the owner's or instructor's last criminal conviction; or
- 5) If the owner or instructor has been charged with an offense and the Secretary of State has received sufficient evidence that the owner or instructor has committed an offense in regard to a student or the Secretary of State;

A) In determining whether or not action should be taken, there must be sufficient evidence that the owner or instructor has committed an offense in regard to a student or the Secretary of State. "Sufficient evidence" shall be defined as but not limited to:

- i) copies of court documents showing the charging of an owner or instructor with an offense in regard to a student or the Secretary of State;
- ii) affidavits of eye witnesses of others with first hand knowledge concerning the matter which indicates offenses in regard to students or the Secretary of State;
- iii) any other competent evidence includes but is not limited to: police reports, transcripts of preliminary hearings or Grand Jury proceedings, and other documents deemed important and probative by the State's Attorney.

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B) If sufficient evidence is received from the State's Attorney and indicates that a person has committed an offense in regard to a student or Secretary of State, and that these offenses, currently awaiting court disposition, involved a student or Secretary of State, the owner's or instructor's license shall be revoked.

C) If the owner or instructor, whose commercial driver training school license has been revoked under this Section, is adjudicated "guilty" by the court systems, the revocation previously entered on his/her record in accordance with this Section, shall stand. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

D) If the owner or instructor, whose commercial driver training school license has been revoked under this Section, is adjudicated "not guilty" by the court system, the revocation previously entered on their license in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

E) If the individual whose commercial driver training school license has been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

F) If the charges against the owner or instructor, whose commercial driver training school license has been revoked under this Section, are reduced or altered in any manner such that the offense(s) for which the owner or instructor is convicted is not an offense in regard to a student or Secretary of State, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of a commercial driver training school license under another Section of the Illinois Vehicle Code.

G) An individual whose commercial driver training school license has been revoked pursuant to this Part, may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.

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- k) The Secretary of State shall have the discretionary authority to issue warning letters to commercial driver training schools or instructors for violations of the regulations and laws governing commercial driver training schools as found in Section 1060. et seq. and Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code, prior to the cancellation, suspension, or revocation of the school's or instructor's license.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation

- a) Accreditation of the Program - Each commercial driver training school which desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

- 1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in subsections 1060.200(b) through (f) of this Section in addition to all other applicable subsections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

- 2) The accreditation of each school is renewable upon the expiration date of the school license, provided all qualifications and standards are met and provided the school has been in compliance with all rules.

- 3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification (or the equivalent classification until April 1, 1992) may teach the drive portion of instruction.

- b) Required facilities - All CDL and/or endorsement and/or restriction accredited schools must provide all classroom and vehicle facilities and equipment as prescribed in the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-401 et seq.) [625 ILCS 5/6-401 et

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seq.] and Section 1060.200 of this Part. Those who desire to provide instruction to person(s) who wish to obtain a CDL and/or endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate the number of vehicles the school has in operation and appropriate off-street maneuvers. Schools in operation at the time that this rule becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

- 1) Required course of instruction:

- A) Two copies of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the requirements contained in 49 CFR 383.110-121. If said outlines are constructed along the lines of the requirements contained in 49 CFR 383.110-121, they shall be approved by the Director of the Department.

- 1) Driving schools must follow the approved CDL classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for accreditation. The Department shall determine compliance with this provision by unannounced inspections of classes and student records. At least one inspection shall take place each month.

- 2) Revised outlines must be submitted in duplicate to the Director of the Department for approval pursuant to subsection (b)(1)(A). A letter shall be sent to the driver training school informing them if their CDL classroom or behind-the-wheel outline has been approved.

- B) Instructional materials shall be available and shall include at least one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film or films which correspond with the outline described in Section 1060.200(b)(1)(A) of this Part.

- C) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications including but not limited to the CDL Study Guide, which are available for the use of students and teachers.

- D) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL and/or endorsement and/or restriction license. This course may be

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offered on an hourly basis, but need not correspond to outlines required in subsection 1060.400(b)(1)(A) 200(b)(1)(A) of this Part. No brush-up course may be offered to any individual who has never held a CDL and/or endorsement and/or restriction classified license.

E) Classroom instruction - CDL and/or endorsement and/or restriction classification instruction.

1) Each classroom course must have a definite starting date and completion date.

2) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving.

3) A CDL Study Guide must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the approved course outline.

4) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and shall include outside reading as well as preparation for testing.

5) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.

6) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL and/or endorsement and/or restriction accredited driver training program.

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7) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period, unless the course is canceled and the student is refunded any fees already paid.

F) Laboratory Instruction - For persons taking instruction for CDL and/or endorsement and/or restriction classification.

1) Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.

2) Each student must have in his/her possession when engaged in vehicle operation a valid and properly classified instruction permit issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.

3) Practice driving instruction shall include but not be limited to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering, and emergency situation procedures.

c) Classroom teacher qualifications - Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411)[625 ILCS 5/6-411].

1) Required classroom teacher qualifications:

A) A driver training instructor teaching the classroom portion of a CDL and/or endorsement and/or restriction accredited course must comply with Sections 1060.150 and 1060.160 of this Part.

B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and physician.

C) A classroom instructor must pass an objective type instructor written examination based upon, the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C.

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2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.

- d) CDL and/or endorsement and/or restriction behind-the-wheel teacher qualifications - Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code. (Ill. Rev. Stat. ~~1987~~1991, ch. 95 1/2, par. 6-411)[625 ILCS 5/6-411].

1) Required behind-the-wheel teacher qualifications:

- A) A driver training instructor teaching the behind-the-wheel portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.100120 and 1060.100130 of this Part and be licensed in a classification representative of the vehicle in which they intend to teach.

- B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.

- C) The instructor shall give instruction only in the classification and/or endorsement and/or restriction in which he/she is licensed.

- D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon, the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2704) as provided for in subsection (c)(1)(C). In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL and/or endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).

e) Student Instruction Records

- 1) Records shall be maintained by schools which document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of the classroom as well as behind-the-wheel instruction. Students are to be identified by their social security numbers as well as by name, address, and other personal information. A driver license number also must be entered on the student record. Such records are to be on file in the office of the management for a period of three (3) years.

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- 2) The driving school with a CDL and/or endorsement and/or restriction accreditation must meet all requirements of Section 1060.10060 of this Part.

- f) The Secretary of State shall suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with the provisions of this Part or 49 CFR 383.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Cooperative Groundwater Protection Program
- 2) Code Citation: 8 Ill. Adm. Code 257
- 3) Section Numbers: Adopted Action:
 257.10 New Section
 257.20 New Section
 257.30 New Section
 257.40 New Section
 257.50 New Section
 257.60 New Section
 257.70 New Section
 257.80 New Section
 257.90 New Section
 257.100 New Section

- 4) Statutory Authority: Illinois Environmental Protection Act (415 ILCS 5/14.6); the Illinois Pesticide Act (415 ILCS 60/8.2.E); the Illinois Lawn Care Products Application and Notice Act (415 ILCS 65/6); and the Illinois Fertilizer Act of 1961 (505 ILCS 80/1 et seq.).

- 5) Effective Date of Rules: January 1, 1994

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this proposed rule contain incorporations by reference? Yes, refer to Section 257.30.

- 8) Date Filed in Agency's Principal Office: December 23, 1993

- 9) Notices of Proposal Published in Illinois Register:
 September 10, 1993, 17 Ill. Reg. 14288

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

Under 257.10, the definitions of "Category A Geologic Vulnerability" and "Category B Geologic Vulnerability" were changed regarding potable water supply wells other than community water supply wells. The original proposal provided for a 20 foot depth division between the two categories while the final version includes a 50 foot depth division.

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Under 257.10, the definition of "Detection" was revised to include the most current reference for "Method Detection Limit".

Under 257.10, the definition of "Existing activity" was expanded from the original proposal to include a clarification regarding effective dates of future regulated recharge regulations which could affect facilities.

Under 257.10, the definition of "Lawncare facility" was clarified by referencing Section 5 of the Illinois Lawncare Products Application and Notice Act (415 ILCS 65/1 et seq.).

Under 257.10, the definition of "Minimal consequence" was amended to indicate that adverse impacts refer to contamination of the vadose zone or groundwater.

Under 257.10, the definition of "Operational activity" was amended to limit the scope of equipment cleaning to agrichemical transportation or application equipment.

References to the scope and application of various sections of the rule under 257.20, 257.40 and 257.50 were clarified to better indicate the type of facility subject to each of the sections.

Under 257.50 regarding the development of an alternate monitoring program, the reference requiring that the Department consult with the Agency during this process was deleted from 257.50 (c) and added as 257.50 (g).

Under 257.50 (e), groundwater monitoring within a minimum setback zone in a category B geologic vulnerability area may be conducted annually after the first year instead of after the second year as originally proposed. Also, the corresponding facility request to alter a monitoring schedule was changed to allow for such a request after one year.

Under 257.50 (f), the criteria by which the Department determines that monitoring would be required, included under 257.50 (f) (2) (A), has been referenced.

Under 257.50 (f), the reference to a "hazard review" was changed to read "identification of hazard" to be consistent with the provisions of the Illinois Environmental Protection Act under which such identification may be made.

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Under 257.50 (f) (1) and (2), the timeline under which the Department is required to notify affected facilities and allow for a written response as well as the Department's notice to proceed with monitoring was expanded to 30 and 45 days respectively.

Under 257.50 (e) (3), 257.50 (f) (3) (B) and 257.50 (g), the definition of "detections" was refined to read "detections at or above the MQL".

Under 257.50 (f) (2) (B) and 257.50 (g) (1), a statement regarding compliance with 8 Ill. Adm. Code 255 and 257 has been included with the general term "operating history of the facility" and is therefore included in the information to be considered by the Department in determining when monitoring may be required.

Under 257.50 (n), an additional possible cause of contamination was added to reflect a situation where the source of contamination was "not due to an on-site -agricultural spill(s)".

Under 257.60 (f) (3), a provision was added to allow the duration of an experimental permit to be expanded to "a period of no greater than 5 years" after the experimental permit has been renewed at least once.

In the final version, the provision originally included under 257.90 (i) regarding fire fighting plans was deleted.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

- 13) Will this rule replace an emergency amendment in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules:

The adopted rule addresses monitoring, structural, operational, and closure requirements of an agricultural facility, lawncare facility, central distribution facility and other affected facility which is wholly or partially located with a potable water supply well setback zone or regulated recharge area. The rulemaking is to provide a groundwater protection program for affected facilities which includes equivalent protection to that provided by 35 Ill. Adm. Code 615 and 616, designed specifically for facilities

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engaged in the storage and handling of pesticides and fertilizers.

- 16) Information and questions regarding these adopted rules shall be directed to:

Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/782-2172

The full text of Adopted Rules begins on the next page.

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TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER 1: PESTICIDE CONTROL

PART 257
 Cooperative Groundwater Protection Program

Section	
257.10	Definitions
257.20	Scope and Application
257.30	Incorporation by Reference
257.40	Facility Review Report
257.50	Site Monitoring
257.60	Permits and Permit Modifications
257.70	General Class Permits for Central Distribution Facilities
257.80	Structural Requirements
257.90	Operation and Management Practice Requirements
257.100	Closure and Discontinuance of Operations

AUTHORITY: Implementing and authorized by the Illinois Environmental Protection Act (415 ILCS 5), the Illinois Pesticide Act (415 ILCS 60), the Illinois Lawn Care Products Application and Notice Act (415 ILCS 65) and the Illinois Fertilizer Act of 1961 (505 ILCS 80).

SOURCE: Adopted at 18 Ill. Reg. _____, effective January 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 257.10 Definitions

Definitions for this Part can be located in Section 2 of the Lawncare Products Application and Notice Act (415 ILCS 65/2), Section 3 of the Illinois Fertilizer Act of 1961 (505 ILCS 80/3), and Section 4 of the Illinois Pesticide Act (415 ILCS 60/4). The following definitions shall also apply to this Part:

"Activity" means a unit for the storage and related handling of pesticides or fertilizers at an agrichemical or lawncare facility.

"Agrichemical facility" means a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to another within a 30-day period or a site where bulk fertilizers are stored, mixed, repackaged or transferred from one container to another.

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"Agrichemical Spill" means a release outside an operational area containment or secondary containment structure involving more than 25 gallons of liquid fertilizer or 100 pounds of dry fertilizer or 5 pounds of liquid or dry active ingredient equivalent of pesticides, except that for reportable substances, it means when the amount spilled equals or exceeds the reportable quantity (RQ) for those chemical substances.

"Agrichemicals" means pesticides or commercial fertilizers at a facility, but does not include anhydrous ammonia fertilizer material.

"Alterations" means permanent changes in activities or processes at a facility or changes in stored and handled product mix which do not modify the efficiency of containment structures or systems.

"Category A Geologic Vulnerability" means the geologic material associated with a community water supply well with a 400 foot minimum setback zone deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation. For any other potable water supply well, it means that Class I or III groundwater is located at or within 50 feet of the land surface and the top of such potable well screen or open interval is less than or equal to 100 feet from the land surface.

"Category B Geologic Vulnerability" means the geologic material associated with a community water supply well with a 200 foot minimum setback zone not deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation. For any other potable water supply well, it means that Class I or III groundwater is located more than 50 feet from the land surface or the top of such potable well screen or open interval is more than 100 feet from the land surface.

"Central distribution facility" means a site that is not an agrichemical facility that is used for the storage and related handling of pesticides and/or fertilizers at a central location for the purpose of distribution to retail sales outlets.

"Commercial" means buying and selling agrichemicals and agrichemical services for compensation.

"Community Water Supply" means a public water supply which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year.

"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

Method Detection Limit or MDL, which means the minimum

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concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero pursuant to 56 Fed. Reg. 3526 thru 3597 (January 30, 1991); or

Method Quantitation Limit or *MQL*, which means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".

"Existing activity" means an activity that was in operation or for which there was commencement of construction on or before the effective date of these regulations or on or before the effective date of a regulated recharge regulation affecting such activity.

"Groundwater" means groundwater as defined in the Illinois Groundwater Protection Act (415 ILCS 55).

"Lawncare facility" means a site subject to the provisions of Section 5 of the Illinois Lawncare Products Application and Notice Act (415 ILCS 65/5).

"Load or loading" means the transfer of formulated pesticide at a facility from facility storage to application equipment resulting in use dilutions or the transfer of bulk pesticides to field nursing transportation equipment or the transfer of liquid fertilizer or dry fertilizer at facilities from facility storage to application equipment and field nursing transportation equipment.

"Mini-bulk container" means a portable container which is designed for transportation and has a capacity of not less than 100 gallons nor more than 660 gallons.

"Minimal consequence" means that an agricultural spill has been responded to in a timely and appropriate manner and that the Department has no reason to believe that such spill will result in contamination of the vadose zone or groundwater.

"Modification" means changes in structures, processes or activities at a facility which change the efficiency or effectiveness of the containment structures or systems; i.e., changes in capacity.

"New activity" means an activity that is not an existing activity.

"Non-Community Water Supply" means a public water supply that is not a community water supply, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.

"Operational activity" means loading, unloading, and mixing of

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agricultural and or the cleaning of agricultural transportation or application equipment at a facility.

"Operational area" means an area or areas at the facility where agricultural materials are loaded, unloaded, mixed, repackaged, or where agricultural materials are cleaned and washed from application, storage or transportation equipment.

"Operational area containment structure or system" means any structure or system used to intercept or prevent runoff or leaching, and contain spills and residues containing agricultural materials from operational activities such as loading, unloading, mixing, and equipment washing and rinsing.

"Packaged goods" means portable containers which are designed for transportation and have capacities of less than 100 gallons.

"Poly-materials" means any non-metallic, natural or synthetic compound or mixture of compounds created by the process of polymerization of which, in its rigid form, can be used for the construction of agricultural storage vessels (e.g., polyethylene, polyolefins, polyvinyl chloride, etc.). For the purposes of this Part, this definition shall also include all materials generally referred to as plastic or rubber.

"Regulated Recharge Area" means a compact geographic area, as determined by the Pollution Control Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination.

"Reportable quantity" or "RQ" means a quantity that equals or exceeds the reportable quantity for substances listed in the Appendix to 49 CFR 172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Reportable substance" means any substance listed in the Appendix to 49 CFR 172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Secondary containment structure" means any structure or basin used to contain agricultural spills and prevent runoff or leaching from bulk agricultural containers.

"Setback Zone" means a geographic area, established under the Illinois Environmental Protection Act (415 ILCS 5), containing a potable water supply well or potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters.

"Underground water" means underground water as defined in the Illinois Groundwater Protection Act (415 ILCS 55).

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"Unload or unloading" means the transfer at a facility of formulated pesticide in an unaltered state from the transport vehicle into facility storage or the transfer of bulk commercial fertilizer in an unaltered state from the transport vehicle into facility storage.

"Vadose Zone" means the area beneath the land surface which contains underground water that is not groundwater.

Section 257.20 Scope and Application

This Part shall apply to facilities that have filed with the Illinois Department of Agriculture either a written notice of intent or certified intent to be subject to the provisions of Section 14.6 of the Illinois Environmental Protection Act (415 ILCS 5/14.6) and have an activity located within a potable water supply well setback zone, have an existing activity located within a distance from the wellhead of a community water supply well to the activity not to exceed 2500 feet in a regulated recharge area, or have a new activity located within a regulated recharge area.

Section 257.30 Incorporation by Reference

The Department incorporates the following material by reference:

- ASTM. American Society for Testing Materials, 1976 Race Street, Philadelphia PA 19103 (215)299-5585.
- "Ground Water and Vadose Zone Monitoring", ASTM SMP 1053, 1990, pp. 7-24.
- "Standard Guide for Pore-Liquid Sampling in the Vadose Zone", ASTM D4696-92, June 1992, pp. 984-1014.
- NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield VA 22161 (703)487-4600.
- "Methods for Chemical Analysis of Water and Wastes", EPA Publication No. EPA-600/4-79-020 (March 1983), Doc. No. PB 84-128677.
- "Methods for the Determination of Organic Compounds in Drinking Water", EPA, EMSL, EPA-600/4-88/039 (Dec. 1988), Doc. No. PB 89-220461.
- "Practical Guide for Ground-Water Sampling", EPA Publication No. EPA/600/2-85/104 (September 1985), Doc. No. PB 86-137304
- "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846 (Third Edition, 1986, as amended by Revision I, December 1987), Doc. No. PB 89-148076.

Section 257.40 Facility Review Report

- a) Activities at central distribution facilities, Class A and B lawncare facilities and other affected facilities shall not be subject to the provisions of this Section.
- b) For an activity located within a minimum setback zone(s), a facility review shall be conducted by the owner or operator based on the

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following compliance schedule.

- 1) A facility review report shall be submitted to the Department no later than March 31, 1994, for a site located in a category A geologic vulnerability area.
- 2) A facility review report shall be submitted to the Department no later than June 30, 1994, for a site located in a category B geologic vulnerability area.
- c) For an activity located within a maximum setback zone(s), a facility review shall be conducted by the owner or operator based on the following compliance schedule.
 - 1) A facility review report shall be submitted to the Department no later than June 30, 1994, or within 90 days after the effective date of a maximum setback zone ordinance or regulation, whichever is later, for a site located in a category A geologic vulnerability area.
 - 2) A facility review report shall be submitted to the Department no later than September 30, 1994, or within 90 days after the effective date of a maximum setback zone ordinance or regulation, whichever is later, for a site located in a category B geologic vulnerability area.
- d) On or after September 30, 1994, for an activity located within a regulated recharge area, the owner or operator shall submit a facility review report within 90 days after the effective date of the recharge area regulation.
 - The owner or operator shall conduct a facility review and prepare a report that consists of the following, at a minimum:
 - 1) description of the affected potable water well's applicable setback zone(s) in relation to the site.
 - 2) location of the site on a 7.5 minute topographic map.
 - 3) description of the site geologic vulnerability as category A or category B, utilizing information from existing sources, including but not limited to the following:
 - A) Illinois State Geological Survey's "Potential for Agricultural Chemical Contamination of Aquifers Map"; and
 - B) geologic well logs; or
 - C) on-site investigation.
 - 4) evaluation of the on-site facility well integrity to determine if such well has been constructed (or reconstructed) to meet the Illinois Water Well Construction Code (415 ILCS 30) and 35 Ill. Adm. Code 920.
 - 5) description of the proposed monitoring program.
 - f) The Department shall determine whether the Facility Review Report is:
 - 1) incomplete; or
 - 2) substantially complete and monitoring may proceed accordingly while deficiencies are corrected; or
 - 3) complete as submitted.

If a Facility Review Report is incomplete or substantially complete, the Department shall specify the time frame for correction of the deficiencies. The Department shall approve or reject with reasons

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- g) therefor the Facility Review Report within 90 days.
- The Department shall coordinate with the Agency on the facility review process for community and non-community water supply wells. Within three business days after receipt of a facility review report related to a community and non-community water supply well, the Department shall forward a copy of the report to the Agency. The Agency may provide a written response regarding the adequacy of the report within 60 days after receipt. When such written response is provided, concurrence from the Agency shall be obtained by the Department for the final action to be taken regarding the report.

Section 257.50 Site Monitoring

- a) Activities at central distribution facilities, Class A and B lawncare facilities, and other affected facilities shall not be subject to the provisions of this Section.
- b) The owner or operator shall implement a monitoring program based on the Department's determination regarding the Facility Review Report and the requirements of this Section. In a minimum setback zone, such monitoring program shall be operable no later than 120 days after the Department's determination. In a maximum setback zone or regulated recharge area, such monitoring program shall be operable no later than 120 days after receipt of a notice to proceed from the Department. The monitoring program for activities at a facility within a setback zone or regulated recharge area shall consist of one of the following:
- 1) groundwater monitoring from an on-site facility water well(s) or a monitoring well(s); or
 - 2) alternate monitoring program approved by the Department.
- c) An alternate monitoring program within minimum setback zones, maximum setback zones, or regulated recharge areas shall provide for:
- 1) adequate characterization of on-site conditions; and
 - 2) detection capability within or above the vadose zone at the facility.
- d) Within three (3) days after occurrence, the owner or operator of an agricultural or lawncare facility, except Class A or B lawncare facilities, shall provide the Department written notification of all agricultural spills. The written notification shall include the following:
- 1) date, time, and location of the occurrence;
 - 2) the type and amount of the agricultural(s) involved;
 - 3) the response action taken; and
 - 4) the results associated with the response action.
- e) Groundwater monitoring within a minimum setback zone shall be conducted as follows:
- 1) quarterly monitoring in a category A geologic vulnerability area for five years except that monitoring may be conducted semi-annually after the first year upon approval by the Department.
 - 2) semi-annual monitoring in a category B geologic vulnerability

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area for five years except that monitoring may be conducted annually after the first year upon approval by the Department.

3) A facility request to alter the monitoring schedule or to discontinue monitoring shall include all monitoring results. Monitoring may be altered or discontinued upon approval by the Department if there were no confirmed pesticide detections at or above the MQL and nitrate-nitrogen levels had not exceeded 10 mg/l during the following specified periods:

- A) one (1) year of monitoring for alteration; or
 - B) Five (5) consecutive years of monitoring for discontinuance.
- 4) monitoring shall be resumed in accordance with subsection (g) if an agricultural spill occurs at the facility unless the Department determines that such incident was of minimal consequence.

f) The Department may, based upon the criteria of subsection (2)(A) below, require groundwater monitoring or an alternate monitoring program at a facility that is located within a maximum setback zone and is within a category A geologic vulnerability area when the Department is advised that a facility represents a significant hazard as determined by a groundwater protection needs assessment, an advisory of groundwater contamination hazard, or an identification of hazard pursuant to Section 17.1 of the Illinois Environmental Protection Act (625 ILCS 17.1).

- 1) Upon receipt of such advisory, the Department shall notify the facility of this advisory and allow the facility 30 days to provide a written response.
- 2) The Department, within 45 days of when it is advised that a facility represents a significant hazard, shall provide a notice to proceed to the owner or operator of the affected facility when the Department determines that monitoring will be required. Such notice shall include a summary of the existing conditions which have resulted in the determination to require monitoring. In making such determination, the Department shall consider the following:

A) the information provided in the groundwater protection needs assessment, the advisory of groundwater contamination hazard, or the identification of hazard;

B) the operating history of the facility, including compliance with this Part and Part 255; and

C) the current and future agricultural activities associated with the facility.

- 3) If groundwater monitoring is required pursuant to this subsection, it shall be conducted as follows:

A) semi-annually for five years except that after the second year the Department may approve monitoring on an annual basis.

B) A facility request to alter or discontinue monitoring shall include all monitoring results. Monitoring may be altered or discontinued upon approval by the Department if there

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were no confirmed pesticide detections at or above the MQL and nitrate-nitrogen levels had not exceeded 10 mg/l during the following specified periods:

- i) two (2) consecutive years of monitoring for alteration; or
- ii) five (5) consecutive years of monitoring for discontinuance.

C) Monitoring shall be resumed in accordance with subsection (g) if an agrichemical spill occurs at the facility unless the Department determines that such incident was of minimal consequence.

g) The Department may require groundwater monitoring or an alternate monitoring program at a facility where an agrichemical spill(s) has occurred after the effective date of this Part. In making a determination regarding post-agrighemical spill monitoring, the Department shall consider:

- 1) the operating history of the facility, including compliance with this Part and Part 255;
- 2) the number and severity of agrichemical spills that have occurred at the facility;
- 3) response actions at the facility; and
- 4) the potential adverse impacts on groundwater.

When post-agrighemical spill groundwater monitoring is required for facilities located in minimum setback zones, the owner or operator shall perform the monitoring as specified in subsection (e). For facilities located in a Category A maximum setback zone, the owner or operator shall perform the monitoring as specified in subsection (f). For facilities located in a Category B maximum setback zone or regulated recharge area, semi-annual monitoring shall be required for three years except that after the second year the Department may approve monitoring on an annual basis. A facility request to alter monitoring shall include all monitoring results. For facilities located in a Category B maximum setback zone or regulated recharge area, monitoring may be altered upon approval by the Department if there were no confirmed pesticide detections at or above the MQL and nitrate-nitrogen levels had not exceeded 10 mg/l during two (2) consecutive years of monitoring.

h) The owner or operator may file a request to discontinue monitoring for a facility located in a Category B maximum setback zone or regulated recharge area provided there were no monitoring results that exceed the criteria specified in subsection (k) for three years after the start of the monitoring period. A facility request to discontinue monitoring pursuant to this subsection shall include all monitoring results. Monitoring shall be resumed in accordance with subsection (g) if an agrichemical spill occurs at the facility unless the Department determines that such incident was of minimal consequence.

i) A groundwater monitoring program shall provide for:

- 1) sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of

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groundwater quality below the activity. At a minimum the program shall include procedures and techniques for:

- A) sample collection;
- B) sample preservation and shipment;
- C) analytical procedures; and
- D) chain of custody control.

2) sampling and analytical methods that are appropriate for groundwater monitoring and that allow for detection and quantification of contaminants specified in this Section, and that are consistent with the sampling and analytical methods specified in Section 257.20. Appropriate immunoassay screening tests and procedures approved by the Department may be used in combination with the analytical procedures.

3) a minimum of five pesticides as approved by the Department. In selecting the appropriate pesticides to monitor the following criteria shall be considered:

- A) the volume and quantity of the pesticides stored, disposed of, or otherwise handled at the facility; and
- B) there is a groundwater standard for such parameter; or
- C) if there is no groundwater standard, a health advisory level established by USEPA or under 35 Ill. Adm. Code 620.Subpart F; and

D) physical and chemical properties of the pesticides indicate the potential for transport to groundwater.

4) nitrate as nitrogen shall be monitored where nitrogen fertilizer is stored or handled.

j) All monitoring results shall be maintained on-site and be available for review on request by the Department.

k) Results of groundwater monitoring shall be submitted, where constituent concentrations exceed 50% of the groundwater standard(s) for pesticide(s), to the Department within 60 days after completion of sampling. Results for nitrate that exceed the groundwater standard shall also be submitted to the Department within 60 days after completion of sampling. This submission shall address the following:

- 1) evaluate the significance of the results; and
- 2) provide a description of the response action taken.

l) The Department may consider whether the owner or operator reasonably demonstrates that during review of the information provided under subsection (k) that groundwater contamination was a result of:

- 1) residual contamination from a prior agrichemical spill(s) where appropriate action has already been taken; or
- 2) the source of contamination is not due to an on-site agrichemical spill(s); or

3) the source of contamination was due to an agrichemical spill(s) prior to the effective date of this Part and which remains subject to other applicable provisions of existing State or federal laws or regulations adopted thereunder.

m) Results of alternate monitoring shall be submitted as required by the Department. This submission shall address the following:

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- 1) evaluate the significance of the results; and
 - 2) provide a description of the response action taken.
- n) The Department may consider whether the owner or operator reasonably demonstrates that during review of the information provided under subsection (m) that contamination was a result of:
- 1) residual contamination from a prior agricultural spill(s) where appropriate action has already been taken; or
 - 2) the source of contamination is not due to an on-site agricultural spill(s); or
 - 3) the source of contamination was due to an agricultural spill(s) prior to the effective date of this Part.
- o) The Department shall evaluate the response action taken under subsection (k) or subsection (m), advise the owner or operator in writing regarding these findings, and provide a time frame for correction of any deficiencies. In performing the evaluation, the Department shall consider the following:
- 1) the extent and severity of on-site contamination;
 - 2) the presence of potentially affected off-site water supply wells;
 - 3) the frequency of monitoring; and
 - 4) the appropriateness of the response.
- p) The Department shall ensure that potential impacts on off-site water supply wells are evaluated and considered when making determinations about the adequacy of response actions. Such assurance shall include, when appropriate, water well sampling at a frequency and duration that is commensurate with the on-site conditions that caused the response action. The Department shall also coordinate its activities under this subsection with the Illinois Department of Public Health or local health department so that those off-site wells that are most likely to be impacted are afforded this consideration.
- q) The Department shall consult with the Agency regarding technical components of alternate monitoring programs and procedures during the development process.

Section 257.60 Permits and Permit Modifications

- a) An Agricultural Facility Permit or Landcare Containment Permit issued by the Department shall be obtained for each existing and new facility affected by this Part. Permit applications shall be submitted on forms provided by the Department. The application shall be accompanied by engineering plans and specifications for any construction or modification to be accomplished pursuant to the Permit. Such plans and specifications shall be prepared by an Illinois Professional Engineer when required by the provisions of the Illinois Professional Engineering Act (225 ILCS 325). A Permit shall be obtained before the commencement of any construction necessary to meet the compliance date, as determined by the applicable subsection(s) below. A Permit must be amended before the commencement of any modification to the facility. A Permit amendment shall not be required for alterations at the facility. A Permit will be transferred to a new owner or operator

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- upon written notification by the permittee to the Department. Permits shall be renewed every 5 years.
- b) An application for a Permit submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or a duly authorized representative who is responsible for the overall operation of the facility described in the application. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner, a facility manager, or the proprietor respectively. In the case of a publicly owned facility, the application shall be signed by either a principal executive officer, ranking official or a duly authorized employee.
- c) The Department shall issue a Permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the facility will be in compliance with the provisions of 8 Ill. Adm. Code 255, 8 Ill. Adm. Code 256, the provisions of this Part, as applicable, and the Environmental Protection Act (415 ILCS 5). In addition to completed application forms, documents which must be submitted include a location area map, detailed plot plan of the facility and any additional information the applicant or the Department deems necessary to fully describe the project. A Permit issued "with conditions" means that the facility is deficient in some area in order to meet full compliance with the before stated rules. A permit with conditions would be issued if the operation of the facility during the period of time that the facility owner was correcting the deficiency does not jeopardize the environment. If the Department fails to grant or deny the Permit as requested or issue with conditions within 90 days from the date of receipt of the application, the applicant may deem the Permit granted for a one year period commencing on the 91st day after the application was received. If the applicant for a Permit is denied, the Department shall notify the applicant in writing as to why the permit was denied.
- d) Facilities holding permits issued prior to the effective date of this Part shall file with the Department a request for permit modification which shall address any modifications to the facility required under this Part. Such filings shall be filed within 180 days after the effective date of this Part. Facilities holding permits issued prior to the effective date of this Part shall be completed within 180 days after permit issuance. If no facility modifications are required by the provisions of this Part, no permit modifications shall be required.
- e) An agricultural facility general class permit issued by the Department shall be obtained by the owner or operator of a central distribution facility affected by this Part. The central distribution facility affected by this Part shall file with the Department an application for permit within 180 days after the effective date of this Part. Construction of permitted facilities shall be completed within 180 days after permit issuance.
- f) Experimental Permits
-) To best aid the improvement of agricultural containment technology, the Department shall issue Experimental Permits for

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containment processes or techniques that do not satisfy the requirements of this Part, provided the applicant submits a registered professional engineer's statement certifying that the design includes appropriate safeguards (i.e., quality control, quality assurance, and supportive analytical data) to ensure that the process or technique has a reasonably substantial chance for success (i.e., the quality control for the experimental design will indicate if there is any malfunction).

2) A valid Experimental Permit shall constitute a prima facie defense to any action brought against the permit holder for a violation of the Rules of this Part, but only to the extent that such action is based upon the failure of the process or technique.

3) All Experimental Permits shall have a duration not to exceed two years. Experimental permits which have been renewed at least once and have thus been in effect for at least 4 years may be renewed for a period of no greater than 5 years.

4) Application for renewal of an Experimental Permit shall be submitted to the Department at least 90 days prior to the expiration of the existing permit. To the extent the information to be supplied for renewal is identical with that contained in the prior permit application, the applicant shall so note on the renewal application, and the Department shall not require the resubmittal of data and information submitted with the original application.

Section 257.70 General Class Permits for Central Distribution Facilities

a) There shall be an agrichemical facility general class permit available for issuance by the Department to an owner or operator of a central distribution facility. In addition to completed application forms available from the Department, a submittal for an agrichemical facility general class permit shall include a location area map, a detailed plot plan of the facility, engineering plans of the containment structures, and any additional information the applicant or the Department deems necessary to fully describe the project.

b) All filled mini-bulks and packaged goods at a central distribution facility shall be warehoused in a designated secondary containment structure on a surface with a hydraulic conductivity not to exceed 1×10^{-6} cm/sec constructed and 10(-5) cm/sec maintained. The surface shall be constructed of an impervious material compatible with the products being stored and capable of being properly decontaminated. There shall not be penetrations in the floor and all existing floor drains shall be sealed with a non-shrink grout.

c) The designated secondary containment structure shall include a minimum of a four (4) -inch curb or other flow-diverting structure or system to allow for the interception and retention of spilled materials within the secondary containment area. The minimum four (4) -inch curb or other flow-diverting structure or system shall completely

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surround the designated secondary containment structure.

Section 257.80 Structural Requirements

In addition to the requirements included in 8 Ill. Adm. Code 255 for agrichemical facilities, 8 Ill. Adm. Code 256 for lawncare facilities, and Section 257.70 of this Part for central distribution facilities, the following shall be required of facilities affected by this Part:

a) The use of underground structures, pits, or piping for the storage or transport of product, rinsates, wash water, or recycled liquid at any facility affected by this Part is prohibited. This prohibition shall not include sumps or wet wells which are used for the transfer of product, rinsates, wash water, or recycled liquid provided these structures maintain a detention time of seventy-two (72) hours or less.

b) All pesticide-related operational containment structures located at an agrichemical facility subject to 8 Ill. Adm. Code 255 shall be covered/protected from precipitation. This requirement shall include operational areas associated with the impregnation of dry fertilizer with pesticides.

c) All bulk pesticide storage tanks installed at agrichemical facilities subject to the provisions of 8 Ill. Adm. Code 255 shall be prohibited from being constructed of poly-materials unless a distance not less than one-half the total tank height is maintained between the perimeter of the tank wall and the interior wall surface of the secondary containment structure.

d) All filled mini-bulks and packaged goods shall be warehoused in a designated secondary containment structure on a surface with a hydraulic conductivity not to exceed 1×10^{-6} cm/sec constructed and 1×10^{-5} cm/sec maintained. The surface shall be constructed of an impervious material compatible with the products being stored and capable of being properly decontaminated. The designated secondary containment structure shall include a minimum of a four (4) -inch curb or other flow-diverting structure or system to allow for the interception and retention of spilled materials within the secondary containment area. The minimum four (4) -inch curb or other flow-diverting structure or system shall completely surround the designated secondary containment structure. There shall not be penetrations in the floor and all existing floor drains shall be sealed with a non-shrink grout. This requirement shall only apply to facilities which store at least 300 gallons or 300 pounds of pesticides; or 1,500 gallons of fertilizers in mini-bulks and packaged goods at any one time.

e) All transfer of agrichemicals between containers, including loading, unloading, repackaging and mixing, and equipment cleaning performed at an agrichemical facility subject to the provisions of 8 Ill. Adm. Code 255 shall be conducted within a containment system designed to intercept, retain, and recover operational and accidental spillage, leakage, wash water, and agrichemical residues. Construction

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materials of containment structures shall be compatible with the products handled and maintained in a condition to retain recovered material until it is used or properly disposed of. A containment system for such transfer piping during either a loading or unloading operation shall consist of one of the following:

- 1) concentric piping, catch trays, trenches, raceways, etc., or
- 2) annual pressure testing and visual inspection of the piping if constructed of stainless steel, or
- 3) annual pressure testing and visual inspection of the piping if constructed of materials other than stainless steel and the piping is not allowed to stand full of material during periods of non-operation.

Section 257.90 Operation and Management Practice Requirements

In addition to the requirements included in 8 Ill. Adm. Code 255 regarding agricultural facilities and 8 Ill. Adm. Code 256 regarding lawncare facilities, the following operation and management practice requirements shall be followed at facilities affected by this Part:

- a) All containment structures, storage tanks, valves, and piping shall be visually inspected at least daily during the application season and maintained as necessary to assure compliance with this Section. A written record of all inspections and maintenance shall be kept at the facility available for inspection by the Department. This requirement shall not be applicable to facilities issued general Class A or B lawncare containment permits.
- b) Clay-based containment structures may be used for the construction of fertilizer secondary containment at agricultural facilities subject to the provisions of 8 Ill. Adm. Code 255. Spilled materials held in clay-based secondary containment structures shall be removed within twenty-four (24) hours of detection unless the facility has notified and received approval from the Department. Direct discharge of collected precipitation from clay-based secondary containment structures shall be prohibited after a spill event until such time as the collected precipitation is demonstrated to be free of contaminants.
- c) Drip and catch pans shall be placed under valves, pumps and hose connections at agricultural and lawncare facilities where intermittent spillage has occurred.
- d) An agricultural facility shall require the transport vehicle operator to remain at the transport vehicle during all agricultural loading and unloading operations. All unloading of bulk pesticides at an agricultural facility shall be conducted over loading operational containment structures. The agricultural facility shall post emergency telephone numbers at the designated fertilizer unloading area. The Department may require the bulk unloading of liquid fertilizers at an agricultural facility over operational area containment with a containment capacity of not less than 500 gallons based on facility past performance and management practices pursuant

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to 8 Ill. Adm. Code 255.110.

- e) The repair and maintenance of agricultural application systems associated with application devices at agricultural facilities and lawncare facilities shall be performed over operational area containment unless the device and the system have been thoroughly cleaned and rinsed. This requirement shall not be applicable to facilities issued general Class A or B lawncare containment permits.
- f) Agricultural facilities and lawncare facilities shall record the date and estimated amount of accumulated precipitation discharged from operational and secondary containment areas. The Department may require prior notification of discharge of collected precipitation from operational and secondary containment areas from selected facilities for a period of three (3) to six (6) months based on facility past performance and management practices pursuant to 8 Ill. Adm. Code 255.110 or 8 Ill. Adm. Code 256.70. Written records shall be maintained at the agricultural facility for possible inspection by Department personnel. These requirements shall not be applicable to facilities issued a general Class A lawncare containment permit.
- g) All mixing and loading activities at lawncare facilities shall be conducted over wash water containment areas.
- h) All facility containment operations personnel associated with agricultural facilities and lawncare facilities shall attend, at least once during the term of the facility permit, a training session offered by the Department regarding containment management and incident response. Programs offered by other sponsoring organizations may be utilized to meet this requirement provided that the Department has reviewed and approved the program content prior to its offering. The training session sponsoring organization shall issue, to all persons attending said training sessions, a certificate of participation. The sponsoring organization shall also maintain a record of all persons attending said training sessions and make such records available for inspection by the Department upon request. This requirement shall not be applicable to facilities issued general Class A or B lawncare containment permits.

Section 257.100 Closure and Discontinuance of Operations

Facilities subject to this Part shall complete the following activities at the time of closure or discontinuance of operations:

- a) All products and waste materials containing pesticide or fertilizer chemicals shall be removed from the premises in the following manner:
 - 1) For agricultural facilities, agricultural products, rinsates, wash waters, contaminated soils and other materials containing agricultural chemicals, and all agricultural containers shall be removed from the agricultural facility site and disposed of or utilized in a legally acceptable manner.
 - 2) For lawncare facilities, lawncare chemicals, lawncare containers, lawncare chemicals, and all lawncare containers shall be removed

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from the lawncare facility and disposed of or utilized in a legally acceptable manner.

3) For central distribution facilities, the owner or operator shall remove all pesticide and fertilizer product from the central distribution facility, and shall remove or decontaminate all residues, contaminated containment system components, contaminated soils, structures and equipment.

4) For other facilities, the owner or operator of the facility shall remove all pesticide and fertilizer products from the site and shall remove or decontaminate all residues, contaminated containment system components, contaminated soils, structures and equipment.

b) Facilities that were required to conduct monitoring during the active life of the site shall sample annually for a period of two years subsequent to closure or discontinuance of operations. The closure monitoring requirement may be modified if it is determined by the Department that the monitoring is not required or an alternate monitoring schedule is more appropriate.

c) In making such determinations the Department shall consider:

- 1) the operating history of the site relevant to citations for violations of applicable regulations;
- 2) the number and severity of pesticide and fertilizer spill(s) that have occurred at the site;
- 3) the results of active-life monitoring conducted by the facility; and
- 4) the degree of remediation and contaminant source removal carried out by the facility prior to closure.

d) The Department shall coordinate such determination with the Agency for community and non-community water supply wells by notifying the Agency of the recommended action and providing a 60-day review period. The Agency may provide a written response regarding the adequacy of the determination. When such written response is provided, concurrence from the Agency shall be obtained by the Department for the final action to be taken.

e) The owner or operator shall conduct monitoring in a manner consistent with the active life requirements for a facility except that all monitoring results shall be submitted to the Department.

f) The completion of closure activities shall be certified as follows:

- 1) Agrichemical facilities and central distribution facilities: Within 60 days after the completion of the closure activities the owner or operator of the agrichemical facility shall submit, by registered or certified mail, a certification that all closure requirements have been met. The certification must be signed by the owner or operator and an Illinois registered professional engineer. The Department may accept a certification signed by an authorized qualified person other than a registered professional engineer provided documentation is furnished which indicates that person has the knowledge and professional experience to determine that all closure requirements have been satisfied.

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) Lawncare facilities: Within 60 days after the completion of the closure activities the owner or operator of the lawncare facility shall certify and notify the Department of Agriculture in writing that all of the prescribed closure requirements have been met.

3) Other facilities: Within 60 days after the completion of the closure activities, the owner or operator of the facility shall certify and notify the Department in writing that all of the prescribed closure requirements have been met.

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- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:
 310.495 Amended
 310. Appendix G New
- 4) Statutory Authority:
 Authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2) [20 ILCS 415/8a.2]
- 5) Effective Date of Amendment: December 17, 1993
- 6) Does this rulemaking contain an automatic repeal date? Yes X No
If "yes", please specify date:
- 7) Does this amendment contain incorporation by reference? No
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?
 These amendments do not contain any incorporations by reference.
- 8) Date filed in Agency's Principal Office: December 17, 1993
- 9) Notice of Proposal Published in Illinois Register:
 August 20, 1993, Issue #34, 17 Ill. Reg. 13657
- 10) Has JCAR issued a Statement of Objections to this rule? No
If answer is "yes", please complete the following:
 A) Statement of Objection: _____, _____, _____ Ill. Reg. _____
 (Issue Date) (Issue Date)
 B) Agency Response: _____, _____ Ill. Reg. _____
 (Issue Date) (Issue Date)
 C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference between proposal and final version:

The Administrative Code Division recommended a change in the format to Section 310.495(e). The format has been changed to reflect two paragraphs following the labeling of subsection 310.495(e).

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 Yes.
- 13) Will these Amendments replace an emergency amendment currently in effect?
 Yes.
- 14) Are there any amendments pending to this part? Yes
- | Section Numbers | Proposed Action | Ill. Reg. Citation |
|--------------------------|-----------------|---|
| 310.290 | Amended | 17 Ill. Reg. 14314 (September 10, 1993) |
| 310.450 | Amended | 17 Ill. Reg. 14314 (September 10, 1993) |
| 310.455 | Amended | 17 Ill. Reg. 14314 (September 10, 1993) |
| 310.530 | Amended | 17 Ill. Reg. 14314 (September 10, 1993) |
| 310.540 | Amended | 17 Ill. Reg. 14314 (September 10, 1993) |
| 310. Appendix C | Amended | 17 Ill. Reg. 14314 (September 10, 1993) |
| 310. Appendix D | Amended | 17 Ill. Reg. 14314 (September 10, 1993) |
| 310. Appendix G | Amended | 17 Ill. Reg. 14314 (September 10, 1993) |
| 310.40 | Amended | 17 Ill. Reg. 21233 (December 17, 1993) |
| 310.270 | Amended | 17 Ill. Reg. 21233 (December 17, 1993) |
| 310.280 | Amended | 17 Ill. Reg. 21233 (December 17, 1993) |
| 310.490 | Amended | 17 Ill. Reg. 21233 (December 17, 1993) |
| 310. Appendix A, Table T | Amended | 17 Ill. Reg. 21233 (December 17, 1993) |
- 15) Summary and Purpose of Amendment:
 A new pay system and classification called the Senior Public Service Administrator was included under Section 310.495, effective August 1, 1993. The salary schedule for the Senior Public Service Administrator appears under Section 310. Appendix G.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

The Senior Public Service Administrator classification replaces 224 classes that represent State positions in upper middle and top management which were currently assigned to salary ranges of MC-12 to MC-19.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mr. Michael Murphy

Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1994
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TABLE Q	RC-033 (Meat Inspectors, ISEA)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1994
APPENDIX C	Medical Facilities Administrator Rates for Fiscal Year 1993
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1993
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Senior Public Service Administrator Salary Schedule, effective August 1, 1993

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2) [20 ILCS 415/8a.2].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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SUBPART C: MERIT COMPENSATION SYSTEM

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone
310.456	Other Pay Increases
310.460	Adjustment
310.470	Decreases in Pay
310.480	Other Pay Provisions
310.490	Senior Public Service Administrator System
310.495	Definitions
310.500	Conversion of Base Salary to Pay Period Units
310.510	Conversion of Base Salary to Daily or Hourly Equivalents
310.520	Implementation
310.530	Annual Merit Increase Guidechart for Fiscal Year 1993
310.540	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.550	

APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	RC-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)

peremptory amendment at 10 I.I. Reg. 3325, effective January 22, 1986; amended at 10 I.I. Reg. 3230, effective January 24, 1986; emergency amendment at 10 I.I. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 I.I. Reg. 8928, effective May 13, 1986; emergency amendment at 10 I.I. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 I.I. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 I.I. Reg. 14867, effective August 26, 1986; amended at 10 I.I. Reg. 15567, effective September 17, 1986; emergency amendment at 10 I.I. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 I.I. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 I.I. Reg. 21097, effective December 9, 1986; amended at 11 I.I. Reg. 648, effective December 22, 1986; peremptory amendment at 11 I.I. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 I.I. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 I.I. Reg. 6291, effective March 23, 1987; amended at 11 I.I. Reg. 5901, effective March 24, 1987; emergency amendment at 11 I.I. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 I.I. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 I.I. Reg. 13675, effective July 29, 1987; amended at 11 I.I. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 I.I. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 I.I. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 I.I. Reg. 19812, effective November 19, 1987; emergency amendment at 11 I.I. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 I.I. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 I.I. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 I.I. Reg. 5459, effective March 3, 1988; amended at 12 I.I. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 I.I. Reg. 7783, effective April 14, 1988; emergency amendment at 12 I.I. Reg. 77734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 I.I. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 I.I. Reg. 9745, effective May 23, 1988; emergency amendment at 12 I.I. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 I.I. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 I.I. Reg. 13306, effective July 27, 1988; corrected at 12 I.I. Reg. 13359; amended at 12 I.I. Reg. 14630, effective September 6, 1988; amended at 12 I.I. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 I.I. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 I.I. Reg. 8080, effective May 10, 1989; amended at 13 I.I. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 I.I. Reg. 8970, effective May 26, 1989; emergency amendment at 13 I.I. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 I.I. Reg. 11451, effective June 28, 1989; emergency amendment at 13 I.I. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 I.I. Reg. 12647;

peremptory amendment at 13 I11. Reg. 12887, effective July 24, 1989; amended at 13 I11. Reg. 16950, effective October 20, 1989; amended at 13 I11. Reg. 19221, effective December 12, 1989; amended at 14 I11. Reg. 1615, effective January 2, 1990; peremptory amendment at 14 I11. Reg. 1627, effective January 11, 1990; amended at 14 I11. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 I11. Reg. 7652, effective May 7, 1990; amended at 14 I11. Reg. 10002, effective June 11, 1990; emergency amendment at 14 I11. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 I11. Reg. 14361, effective August 24, 1990; emergency amendment at 14 I11. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 I11. Reg. 16092; peremptory amendment at 14 I11 Reg. 17098, effective September 26, 1990; amended at 14 I11. Reg. 17189, effective October 2, 1990; amended at 14 I11. Reg. 17189, effective October 19, 1990; amended at 14 I11. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 I11. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 I11. Reg. 663, effective January 7, 1991; amended at 15 I11. Reg. 3236, effective February 14, 1991; amended at 15 I11. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 I11. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 I11. Reg. 5465, effective April 2, 1991, 1991; peremptory amendment at 15 I11. Reg. 11080, effective July 19, 1991; amended at 15 I11. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 I11. Reg. 13080, effective August 21, 1991; amended at 15 I11. Reg. 13080, effective September 23, 1991; emergency amendment at 16 I11. Reg. 14210, effective September 26, 1991, for a maximum of 150 days; amended at 16 I11. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 I11. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 I11. Reg. 7056, effective April 20, 1992; emergency amendment at 16 I11. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 I11. Reg. 8382, effective May 26, 1992; emergency amendment at 16 I11. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 I11. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 I11. Reg. 238, effective December 23, 1992; peremptory amendment at 17 I11. Reg. 498, effective December 18, 1992; amended at 17 I11. Reg. 590, effective January 4, 1993; amended at 17 I11. Reg. 1819, effective February 2, 1993; amended at 17 I11. Reg. 6441, effective April 8, 1993; emergency amendment at 17 I11. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 I11. Reg. 13409, effective July 29, 1993; emergency amendment at 17 I11. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 I11. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 I11. Reg. 19103, effective October 25, 1993; amended at 17 I11. Reg. —, effective —, effective —; amended at 17 I11. Reg. —, effective —, effective —.

December 17, 1993

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.495 Senior Public Service Administrator Class

The Senior Public Service Administrator class shall be covered by all provisions of the Merit Compensation System except for the provisions identified in the following subsections:

- a) Salary Range -- The salary range for the Senior Public Service Administrator shall be as set out in Appendix G.
- b) Entrance Salaries -- The Director or chairman of the Department, Board or Commission shall review the education, training and experience of an employee to be placed in the Senior Public Service Administrator class and determine the employee's initial rate of pay.
- 1) The salary assigned an employee shall take into account the duties, education, training and experience of the employee to assure reasonable pay equity among employees in the Senior Public Service Administrator class.
- 2) A report of the resultant rate of pay shall be provided to the Director of the Department of Central Management Services on the form provided for that purpose.
- 3) An entrance salary should not provide more than a 10% increase over the candidate's prior salary without the prior approval of the Director of the Department of Central Management Services.

c) Salary Adjustments -- Salary adjustments for positions in the Senior Public Service Administrator class may be made by the employing agency where the employee has been given substantial additional responsibilities but will remain in the same classification. An increase of between 5% and 10% of current base salary may be given where the substantial additional responsibilities are documented on an updated job description and reflected on the organization chart.

d) Movement between Salary Systems -- Salary treatment on movement of an employee between one position in the Senior Public Service Administrator class and another position outside of the Senior Public Service Administrator class will be as recommended by the employing agency and approved by the Director of the Department of Central Management Services.

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e) Salary Treatment upon Initial Placement of Positions in the Senior Public Service Administrator Class --

- 1) Incumbents of any position which was in salary ranges MC-12 through MC-19 prior to reclassification into the Senior Public Service Administrator class will be placed into the range with no change in salary, unless an increase is required to take the employee to the minimum salary for the appropriate level.
- 2) Upon implementation, employees will be assigned to pay Level I, except that any employee whose current salary is more than \$63,000 or who is at a salary level of MC-15 or above prior to implementation will be assigned to Level II.

(Source: Added at 17 Ill. Reg. _____, effective December 17, 1993.)

Section 310. Appendix G Senior Public Service Administrator Salary Schedule, Effective August 1, 1993

Title	Minimum Salary	Maximum Salary
Senior Public Service Administrator, Level I	38,000	65,000
Senior Public Service Administrator, Level II	50,000	85,000

(Source: Added at 17 Ill. Reg. _____, effective December 17, 1993.)

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- 1) The Heading of the Part: Urban Education Partnership Program
 2) Code Citation: 23 Ill. Adm. Code 245

3) <u>Section Number:</u>	<u>Adopted Action:</u>
245.10	New Section
245.20	New Section
245.30	New Section
245.40	New Section
245.50	New Section
245.60	New Section
245.70	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, par. 2-3.101 [105 ILCS 5/2-3.101].

- 5) Effective Date of Rules: December 23, 1993

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 8) Date Filed in Agency's Principal Office: December 7, 1993.

- 9) Notice of Proposal Published in Illinois Register:

July 9, 1993; 17 Ill. Reg. 10131.

- 10) Has JCAR issued a Statement of Objections to these rules?
No.

- 11) Difference(s) between proposal and final version: There are no differences between the proposal and the final version.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No changes were requested by JCAR.

- 13) Will this rule replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Rules: P.A. 87-789 established a new state Urban Education Partnership Program similar to the

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existing federal program of the same name. This new Part describes the procedure, content, and review criteria for applications for funding under this program.

- 16) Information and questions regarding this adopted rule shall be directed to:

Name: Bill Garcia
 State Board of Education
 100 West Randolph, Suite 14-300
 Chicago, Illinois 60601
 312/814-3606

The full text of the adopted rules begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 245

URBAN EDUCATION PARTNERSHIP PROGRAM

Section	Purpose
245.10	Nature of the Program
245.20	Eligible Applicants
245.30	Application Procedure and Content
245.40	Application Review Criteria
245.50	Grant Awards
245.60	Terms of the Grant
245.70	

AUTHORITY: Implementing and authorized by Section 2-3.101 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 2-3.101) [105 ILCS 5/2-3.101].

SOURCE: Adopted at ___ Ill. Reg. ___, effective December 23, 1993

NOTE: Capitalization denotes statutory language.

Section 245.10 Purpose

This Part establishes the procedure and criteria for approval of applications submitted by eligible applicants to the State Board of Education for grants under the Urban Education Partnership Program as authorized in Section 2-3.101 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 2-3.101) [105 ILCS 5/2-3.101] and pursuant to Chapter 2 of the federal Elementary and Secondary Education Act (ESEA).

Section 245.20 Nature of the Program

- a) Because urban communities house a disproportionate number of low-income, at-risk individuals who require community involvement to address the educational and social needs of students, Urban Education Partnership Programs include:

- 1) the planning, development, operation, expansion, or dissemination of programs, projects and activities that improve student achievement in large and small urban communities; and

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- 2) the development and maintenance of collaborative efforts or partnerships involving an attendance center and at least one parent or community group, social service agency, business entity, or institution of higher education.
- b) URBAN EDUCATION PARTNERSHIP PROGRAMS SHALL INCLUDE BUT NOT BE LIMITED TO COMPONENTS DESIGNED TO IMPROVE STUDENT ATTENDANCE AT SCHOOL AND IN CLASS, INCREASE STUDENT HOMEWORK OUTPUT AND QUALITY, INCREASE STUDENT TIME ON THE TASK OF ACQUIRING BASIC AND HIGHER ORDER SKILLS, IMPROVE TEACHER-GIVEN CLASSROOM GRADES, IMPROVE STATE AND NATIONAL STANDARDIZED TEST SCORES AND ASSESSMENT RESULTS, IMPROVE COMMUNITY INVOLVEMENT IN THE DEVELOPMENT AND IMPLEMENTATION OF EFFECTIVE SCHOOL PROGRAMS, AND IMPROVE PARENT INVOLVEMENT TO FOSTER A POSITIVE HOME ENVIRONMENT, MEANINGFUL PARENT-CHILD COMMUNICATION IN MATTERS OF EDUCATIONAL PERFORMANCE AND PROGRESS, AND INCREASED PARENT PARTICIPATION IN HOME LEARNING ACTIVITIES, SCHOOL VOLUNTEER ACTIVITIES AND SCHOOL GOVERNANCE. (Section 2-3.101 of the School Code.)

Section 245.30 Eligible Applicants

- a) An Illinois school district is eligible to apply for an Urban Education Partnership grant if:

- 1) THE NUMBER OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS OF THE DISTRICT IS 1,500 OR MORE, AND NOT LESS THAN 10% OF THOSE STUDENTS ARE LOW INCOME STUDENTS AS DETERMINED WITH REFERENCE TO THE ANNUAL PUBLIC SCHOOLS FALL ENROLLMENT-HOUSING REPORT THAT THE SCHOOL DISTRICT IS REQUIRED TO FILE WITH THE STATE BOARD OF EDUCATION; OR
- 2) THE SCHOOL DISTRICT RECEIVES NOT LESS THAN \$100,000 IN A FISCAL YEAR FROM FUNDS ALLOCATED AND DISTRIBUTED UNDER CHAPTER 1 OF TITLE I OF THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AND NOT LESS THAN 10% OF THE STUDENTS ENROLLED IN THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT ARE "MINORITY STUDENTS", DEFINED FOR PURPOSES OF THIS SECTION TO MEAN A PUPIL WHO IS BLACK (HAVING ORIGINS IN ANY OF THE BLACK RACIAL GROUPS IN AFRICA), HISPANIC (OF SPANISH OR PORTUGUESE CULTURE WITH ORIGINS IN MEXICO, SOUTH

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OR CENTRAL AMERICA, OR THE CARIBBEAN ISLANDS, REGARDLESS OF RACE), ASIAN AMERICAN (HAVING ORIGINS IN ANY OF THE ORIGINAL PEOPLES OF THE FAR EAST, SOUTHEAST ASIA, THE INDIAN SUBCONTINENT, OR THE PACIFIC ISLANDS), OR AMERICAN INDIAN OR ALASKAN NATIVE (HAVING ORIGINS IN ANY OF THE ORIGINAL PEOPLES OF NORTH AMERICA). (Section 2-3.101 of the School Code.)

- b) The State Board of Education shall identify in its annual Request for Proposals the types of projects (planning, initial implementation, continuation, and/or dissemination) which will be funded for the fiscal year in question.
- c) No district will be eligible to receive state funding under this program for more than three consecutive school years for the same attendance center.

Section 245.40 Application Procedure and Content

- a) The State Board of Education will issue a Request for Proposals (RFP) specifying the information that must be included in each proposal and requiring that proposals be submitted to the agency no later than the date specified in the RFP. The submission deadline shall provide at least forty-five (45) calendar days in which to submit proposals.
- b) Each proposal for an Urban Education Partnership grant must consist of the components listed below.
 - 1) A completed application cover page bearing the signature of the official authorized to submit the proposal and bind the applicant to its contents.
 - 2) An abstract of the proposal (not to exceed one page).
 - 3) A narrative description of the proposed project, containing the elements identified in subsection (c), (d), (e), or (f) below, as applicable to the type of project being proposed.
 - 4) Budget information, supplied on forms provided by the State Board of Education as part of the RFP.

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- 5) A budget narrative correlating the budget line items to descriptions of anticipated expenditures, submitted on the form provided by the State Board as part of the RFP.
- 6) An evaluation design describing the methods to be used to assess the effectiveness of the project. Implementation and continuation proposals must include a description of how formative evaluation will be used in the development and improvement of the program.
- 7) A completed Nonpublic School Verification and Involvement Form, provided by the State Board as part of the RFP.
- 8) Such certifications and assurances as the State Board may require, submitted on forms supplied by the Board as part of the RFP.
- 9) Letters of intent from all partners external to the school district, describing each entity's commitment to and role in the project (implementation and continuation proposals only).
- c) The proposal narrative for each planning proposal shall include the following.
 - 1) Background information on the district and attendance center.
 - 2) A statement of need and a description of the process by which the need was identified.
 - 3) A description of the proposed planning project, indicating whether activities will be conducted for the purpose of
 - A) identifying a program whose implementation would address the needs identified, or
 - B) planning for an identified program, in which case the program shall be described and its target population identified.
 - 4) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.

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- d) The proposal narrative for each implementation proposal shall include the following.
- 1) Background information on the district and attendance center, which may be either
 - A) a statement that the information previously provided as part of the planning proposal for the program remains accurate, or
 - B) a description of any changes affecting the overview previously provided.
 - 2) A statement of need and a description of the process by which the need was identified.
 - 3) A description of the proposed program, including identification of the external entity(ies) involved and the roles and responsibilities of each.
 - 4) A description of the features which make the program applicable to other attendance centers and amenable to replication for their use.
 - 5) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.
- e) The proposal narrative for each continuation proposal shall include the following.
- 1) Background information on the district and the attendance center, which may be either
 - A) a statement that the information previously provided remains accurate, or
 - B) a description of any changes affecting the overview previously provided.

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- 2) A statement of need, which may be either
 - A) a statement that no changes have occurred in the information previously provided, or
 - B) a description of any relevant changes.
 - 3) Updated program information, including any changes in the external entity(ies) involved or in their roles and responsibilities, or in the relationship of the program to other special projects in operation at the attendance center. This description must discuss the activities proposed for the continuation period in light of the evaluation of the preceding year's project, including especially the identification of each unmet objective and the rationale for its continued inclusion or its deletion from the project.
 - 4) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.
- f) The proposal narrative for each dissemination proposal shall include the following.
- 1) Background information, including:
 - A) An overview of the district, the attendance center where the program has been in operation, and the student population served;
 - B) A description of the specific program to be disseminated;
 - C) A discussion of the features of the program which warrant its replication; and
 - D) A description of the target audience for whom this information would be relevant.
 - 2) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.

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Section 245.50 Application Review Criteria

Proposals will be evaluated by State Board staff in accordance with the applicable criteria set forth below.

a) Review Criteria for Planning Proposals

- 1) The proposed activities respond to the need identified and are directed at the improvement of student outcomes. (60 points)
- 2) There is a demonstrated need for the program and/or activities identified within the proposal. (30 points)
- 3) The activities proposed will be cost-effective, as evidenced by the scope of the planning work to be conducted and the number of entities to be involved. (10 points)

b) Review Criteria for Implementation Proposals

- 1) The proposed program responds to the need identified and the proposed work plan is reasonable in light of the project's goal. (30 points)
- 2) The proposed program is directed at the improvement of student outcomes. (30 points)
- 3) There is a demonstrated need for the program and/or activities identified within the proposal. (20 points)
- 4) The applicant demonstrates the replicability and adaptability of the program to other attendance centers and LEA's. (10 points)
- 5) The program or activities proposed will be cost-effective, as evidenced by the cost in relation to the numbers to be served, the services to be provided, or the scope of activities to be conducted. (10 points)

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c) Review Criteria for Continuation Proposals

- 1) The program proposal is justified in light of the evaluation of prior project activities. (30 points)
- 2) The services and/or activities proposed are designed to improve student outcomes. (30 points)
- 3) There is a demonstrated need for the program and/or activities identified within the proposal. (20 points)
- 4) The program described can be replicated and adapted for use by other attendance centers and LEA's. (10 points)
- 5) The program or activities proposed will be cost-effective, as evidenced by the cost in relation to the numbers to be served, the services to be provided, or the scope of activities to be conducted. (10 points)

d) Review Criteria for Dissemination Proposals

- 1) The applicant has identified a target audience for the program information in question and has demonstrated that the program is relevant to that audience. (60 points)
- 2) Dissemination of the program involved is warranted, as evidenced by the evaluation of program activities. (30 points)
- 3) The dissemination plan is cost-effective, based on the scope of the program, the nature and quantity of the materials to be developed, and the size and location of the target audience. (10 points)

Section 245.60 Grant Awards

Final approval of grants under this program will be determined by the State Superintendent of Education and will be based upon recommendations resulting from the evaluation/review process.

- a) The State Superintendent of Education shall determine the amount of individual grant awards on the basis of:

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- 1) Recommendations based on the criteria set forth in Section 245.50 of this Part;
 - 2) The total amount of funds appropriated for the Urban Education Partnership Program; and
 - 3) The approvable amounts requested in the top-ranked proposals identified pursuant to Section 245.50 of this Part.
- b) Notification of grant awards for approved proposals will be made not later than 45 calendar days after the deadline for proposal submission or the date when the amount of the appropriation for this program is determined, whichever is later.

Section 245.70 Terms of the Grant

- a) Applicants may be asked to meet with State Board staff to clarify aspects of their proposals. State Board staff will negotiate a final contract with each successful applicant. Grant payments will be made by the State Board according to a negotiated payment schedule. Payments may be reduced from scheduled amounts if periodic reports show excessive cash on hand.
- b) Allocations in an approved budget may be amended by filling out the Budget Summary form to show the new amounts required and attaching an explanation for the changes. A budget amendment must be submitted for State Board approval whenever any individual line item changes by more than \$500 or 10%, whichever is larger. Amendments will be approved if the proposed allocation of resources is consistent with accomplishing the approved proposal.
- c) State General Revenue funds used for this program shall be subject to the Illinois Grant Funds Recovery Act (30 ILCS 705/1 et seq.) Some applicants will receive federal funds for this program and will be subject to the requirements of the "Stevens Amendment" (P.L. 101-166). Such grantees will be made aware of these requirements when grant awards are made. Funds granted for the operation of this program must be used exclusively for the purposes stated in the approved proposal and must be expended in accordance with the approved budget and the grantee's policies and

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- procedures related to such expenditures. Funds may only be expended for activities occurring during the grant period. The State Board shall inform applicants of any additional restrictions applying to the use of the funds provided under this program.
- d) No subcontracting is allowed under this program.
 - e) A recipient may request termination of a project. The reasons for termination must be stated in writing to the Manager, Urban and Ethnic Education Section, Illinois State Board of Education. The request must indicate the proposed termination date. If a project is terminated, the grantee will be directed as to the return of all project equipment, supplies and funds as determined by ISBE. Financial obligations incurred and expenditures made by the grantee prior to the effective date of termination will be reviewed to determine the extent that they are allowable for activities prior to the grant's termination. The grantee will furnish the Manager, Urban and Ethnic Education Section, within 30 calendar days of the termination date, a report of objectives and activities completed, if any, and an itemized accounting of funds expended, obligated, and remaining under the grant. After examination of the accounting, the grantee will be notified of any amounts which are due to ISBE. The grantee shall remit any amounts found due within 30 calendar days of the receipt of notification.
 - f) Any publication or presentation resulting from or primarily related to federal financial assistance shall contain the following acknowledgment: "The activity which is the subject of this report was supported in whole or in part by the United States Department of Education. However, the opinions expressed herein do not necessarily reflect the position or policy of the United States Department of Education, and no official endorsement by the United States Department of Education should be inferred."
 - g) Each grant recipient must submit a year-end report to the State Board of Education within 45 calendar days after the end of the grant period. That report must include the following information:

- 1) Objectives and activities completed.

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- 2) Resources utilized during the grant period.
 - 3) Planned strategies for the continued development and implementation of the program, including resources to be utilized.
 - 4) A completed final expenditure report form.
- h) In addition, a final report is required of recipients completing two years of program implementation, i.e., at the end of the continuation phase. This final report must be submitted to the State Board within 45 calendar days of the end of the continuation grant period and must include:
- 1) A final evaluation of the program, including the extent to which the program proved to be a successful strategy for improving the academic achievement of the target population, and its replicability by other school districts.
 - 2) A final summary of methods, data, and conclusions (as a journal-style article, 2-5 pages).

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) Section Number: Adopted Action:
2770.100 Amended Section
2770.105 Amended Section
2770.110 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 570, 571, 573, 576.1, 576.2, 578.1, 610 and 611 [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].
- 5) Effective Date of the Amendment: January 1, 1994.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: December 27, 1993.
- 9) Notice of Proposal published in Illinois Register: October 15, 1993 at 17 Ill. Reg. 17628.
- 10) Has JCER issued a Statement of Objection to these Rules? No.
- 11) Difference between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCER been made as indicated in the agreement letter issued by JCER? Yes.
- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and purpose of the rules: This amendment to Part 2770 announces the 1994 contribution rates for newly liable employers by classification within their Standard Industrial Code. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing several obsolete subsections and the rates for 1988 as they are no longer needed.

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NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Acting Commissioner
 Illinois Department of Employment Security
 401 South State Street - 2 South
 Chicago, Illinois 60605
 312/793-4240

The full Text of the Adopted Amendments begin on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
 CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
 SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2770

DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section
 2770.100
 2770.105
 2770.110

Industrial Classification
 Contribution Rate For Non Experience-Rated Employers
 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

2770.150
 2770.155
 2770.160
 2770.165
 2770.170

Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
 Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
 Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
 Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
 Appeals (Repealed)

SUBPART E: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO SUBSEQUENT EMPLOYER (Repealed)

2770.400
 2770.405
 2770.410
 2770.415
 2770.420

Definitions (Repealed)
 Application Of Base Period Wages (Repealed)
 Restriction On Benefit Wage Transfers (Repealed)
 Benefit Wage Transfer Procedural Requirements (Repealed)
 Petition For Hearing (Repealed)

SUBPART F: BENEFIT WAGE CANCELLATIONS

2770.501

Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770. Table A General SIC Classification

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 570, 571, 573, 576.1, 576.2, 576.3, 578.1, 610 and 611) (820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and

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1701].

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. _____, effective January 1, 1994.

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section 2770.100 Industrial Classification

- a) Each employer subject to the Act shall be assigned an industrial classification number based on its primary activity.

- 1) Each employer shall be assigned to a major Economic Division based on the first two digits of the industrial classification number:

Digits	Economic Division
01-09	A. Agriculture, Forestry, Fishing
10-14	B. Mining
15-17	C. Construction
20-39	D. Manufacturing
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services
50-51	F. Wholesale Trade

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52-59	G. Retail Trade
60-67	H. Finance, Insurance, Real Estate Services
70-89	I. Public Administration
91-97	J. Nonclassifiable Establishments
99	K. Nonclassifiable Establishments

- 2) The methodology for the above classifications shall be based upon the Standard Industrial Classification Manual, U. S. Office of Management and Budget (1972), and supplemented by the U.S. Department of Labor, Bureau of Labor Statistics, January 1983, which shall be incorporated and adopted by reference.

- 3) The general classifications to be used shall be those set forth in Table A.

- b) Each employer not eligible for an experience rate and in an Economic Division where the mean average contribution rate for experience rated employers is greater than the rates set forth in Section 2770.105(a)(1) or (2) or {b}{1}, {2}, or {3}, as applicable, shall be notified in writing of its industrial classification and rate of contribution.

- c) An industrial classification which is properly assigned pursuant to subsection (a)(2) at the beginning of each calendar year or the date of liability, whichever is later, shall be final and conclusive for rate determination purposes for that entire calendar year.

(Source: Amended at 18 Ill. Reg. _____, effective January 1, 1994)

Section 2770.105 Contribution Rate For Non Experience-Rated Employers

- a) For calendar year 1988, the contribution rate under Section 1508(b) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

- 1) 2.7%, plus any applicable fund-building rate, as imposed by Section 1506.3 of the Act; {11}-Rev. Stat.-1991, ch. 48, par. 576.3; -or;
- 2) 2.7%, multiplied by the adjusted state experience factor; plus any applicable fund-building rate, as imposed by Section 1506.3 of the Act; -or;

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- 3) The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act;
- A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division;
- B) Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used in the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used;

b) For calendar year 1989, and each year thereafter, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

- 1) 2.7%, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act (Ill. Rev. Stat. 1991, ch. 48, par. 576.3) 1820 ILCS 405/1506.3; or,
- 2) 2.7%, multiplied by the adjusted state experience factor, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or,

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- 3) The employer's contribution rate calculated pursuant to Sections 1501 to 1507 of the Act (Ill. Rev. Stat. 1991, ch. 48, pars. 571 to 577) 1820 ILCS 405/1501 to 1507, but only if this employer has had at least 13 consecutive months experience with the risk of unemployment by the June 30 preceding the calendar year for which a rate is being determined, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or,
- 4) The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act.
- A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division.
- B) Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used in the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used.

b) The mean average contribution rate for each Economic Division, determined pursuant to subsection (a)(3)(A) and (B) or (b)(4)(A) and (B) shall be announced annually by the Director, during the last quarter of the year preceding the applicable year.

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dc) Appeals from any determinations under Section 2770.100 or 2770.105 shall be taken pursuant to and governed by Section 1509 of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective January 1, 1994)

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

a) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1988, as determined by the application of Section 2770.105(a)(3) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A: Agriculture, Forestry, Fishing	3.4%
10-14	B: Mining	4.6%
15-17	C: Construction	4.5%
20-39	D: Manufacturing	3.2%
40-49	E: Transportation, Communication, Electric, Gas, Sanitary Services	3.2%
50-51	F: Wholesale Trade	2.4%
52-59	G: Retail Trade	2.5%
60-67	H: Finance, Insurance, Real Estate	1.5%
70-89	I: Services	1.9%
91-97	J: Public Administration	2.1%
99	K: Nonclassifiable Establishments	2.1%

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1989, as determined by the application of Section 2770.105(ba)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.4%
10-14	B. Mining	4.8%
15-17	C. Construction	4.2%
20-39	D. Manufacturing	2.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.0%

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50-51	F. Wholesale Trade	2.2%
52-59	G. Retail Trade	2.3%
60-67	H. Finance, Insurance, Real Estate	1.4%
70-89	I. Services	1.7%
91-97	J. Public Administration	2.5%
99	K. Nonclassifiable Establishments	1.9%

eb) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1990, as determined by the application of Section 2770.105(ba)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.3%
10-14	B. Mining	4.7%
15-17	C. Construction	4.1%
20-39	D. Manufacturing	2.7%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.8%
50-51	F. Wholesale Trade	2.0%
52-59	G. Retail Trade	2.1%
60-67	H. Finance, Insurance, Real Estate	1.4%
70-89	I. Services	1.6%
91-97	J. Public Administration	2.3%
99	K. Nonclassifiable Establishments	2.2%

ec) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1991, as determined by the application of Section 2770.105(ba)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.1%
10-14	B. Mining	4.3%
15-17	C. Construction	3.7%
20-39	D. Manufacturing	2.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.5%

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	Sanitary Services	
50-51	F. Wholesale Trade	1.7%
52-59	G. Retail Trade	1.8%
60-67	H. Finance, Insurance, Real Estate	1.3%
70-89	I. Services	1.5%
91-97	J. Public Administration	2.0%
99	K. Nonclassifiable Establishments	2.1%

ed) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1992, as determined by the application of Section 2770.105(b)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.9%
10-14	B. Mining	3.8%
15-17	C. Construction	3.5%
20-39	D. Manufacturing	2.0%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.3%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.6%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.3%
91-97	J. Public Administration	1.7%
99	K. Nonclassifiable Establishments	2.1%

fe) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1993, as determined by the application of Section 2770.105(b)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.6%
15-17	C. Construction	3.7%
20-39	D. Manufacturing	2.2%

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40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.2%
50-51	F. Wholesale Trade	1.6%
52-59	G. Retail Trade	1.4%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.3%
91-97	J. Public Administration	1.5%
99	K. Nonclassifiable Establishments	1.8%

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1994, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.5%
10-14	B. Mining	4.1%
15-17	C. Construction	4.4%
20-39	D. Manufacturing	2.7%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.6%
50-51	F. Wholesale Trade	2.0%
52-59	G. Retail Trade	1.6%
60-67	H. Finance, Insurance, Real Estate	1.4%
70-89	I. Services	1.5%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	1.9%

(Source: Amended at 18 Ill. Reg. _____, effective January 1, 1994)

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Notices, Records, Reports
- 2) Code Citation: 56 Ill. Adm. Code 2760
- 3) Section Number: Adopted Action:
2760.140 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 314, 344, 370, 380, 382, 450, 550, 551, 552, 554, 555, 610, 611, 616, 630, 631, 681 and 688 [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208].

5) Effective Date of the Amendment: December 27, 1993.

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this Rule contain an incorporation by reference? No.

8) Date filed in Agency's Principal Office: December 27, 1993.

9) Notice of Proposal published in Illinois Register:
October 8, 1993 at 17 Ill. Reg. 16319.

10) Has JCAR issued a Statement of Objection to these Rules? No.

11) Difference between proposal and final version: In the Authority Note, the reference to the Illinois Revised Statutes is changed from 1989 to 1991, and Section 1401 is added to both Unemployment Insurance Act and Compiled Statute references. In Section 2760.140(d) and (e), references to paragraphs 1 and 2 of subsection (a) are changed to subsections (a)(1) and (a)(2).

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.

13) Will this replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and purpose of the rules: It is very expensive to enter wage data into the Department's computer system when a large employer submits its quarterly wage report on paper. This proposed amendment is intended to require that all employers with more than 250 employees during either the prior or upcoming year to file their quarterly wage and contribution reports by electronic data processing media.

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NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full Text of the Adopted Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2760
NOTICES, RECORDS, REPORTS

SUBPART A: GENERAL OBLIGATIONS

Section
2760.1 Posting And Maintaining Notices
2760.5 Identification Of Workers Covered By The Act
2760.10 Filing By Mail

SUBPART B: REPORTS AND RECORDS

2760.100 Reports
2760.105 Reports Of Employing Units As To Their Status
2760.110 Employing Unit Terminating Business
2760.115 Records With Respect To Employment
2760.120 Employer's Contribution Report
2760.125 Employer's Wage Report
2760.126 Wage Report Filing Extension Due To Flooding
EMERGENCY
2760.130 Reporting "Excess" Wages
2760.135 Remittance Of Contributions Due And Use Of Transmittal Form
2760.140 Use Of Electronic Data Processing Media For Quarterly Reporting
2760.145 Correcting The "Employer's Contribution And Wage Report"
2760.150 Consequences Of An Error In The Preparation Of The "Employer's Contribution And Wage Report"

AUTHORITY: Implementing and authorized by Sections 204, 234, 245, 300, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 314, 344, 370, 380, 382, 450, 550, 551, 552, 554, 555, 577, 610, 611, 616, 630, 631, 681 and 688 [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208].

SOURCE: Department of Labor, Bureau of Employment Security Regulations 4, 7 and 8, filed as amended May 3, 1977, effective May 13, 1977; Regulation 11 filed as amended May 4, 1977, effective May 14, 1977; Regulations 5 and 32 filed as amended June 23, 1977, effective July 3, 1977; Regulations 6 and 12 filed as amended September 12, 1977, effective September 12, 1977; rules repealed by operation of law on October 1, 1984; new rules adopted at 10 Ill.

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Reg. 6939, effective April 15, 1986; emergency amendment at 12 Ill. Reg. 222, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 13604, effective August 4, 1988; amended at 12 Ill. Reg. 16070, effective September 23, 1988; amended at 16 Ill. Reg. 3993, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 13798, effective August 4, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective December 27, 1993.

SUBPART B: REPORTS AND RECORDS

Section 2760.140 Use Of Electronic Data Processing Media For Quarterly Reporting

a) Effective with the reports due for the first quarter of 1994, the reports required by Sections 2760.120 and 2760.125 must be made by the use of an electronic data processing medium which meets with the prior written approval of the Director. The Director shall approve the use of electronic data processing media for reporting if he finds that:

- 1) All of the data required on the forms provided by the Director for quarterly reporting are also provided by the employer in the same format on the electronic data processing medium; and,
- 2) The employer's electronically data processed reports are compatible and readable by the electronic data processing equipment used by the Director without the need for any programming adjustment by the Director.

b) Subsection (a) shall only apply to an employer for a calendar year if, on the first day of such calendar year, the employer reasonably expects to have 250 or more individuals in its employ (though not necessarily at the same time) during the year or the employer had 250 or more individuals in its employ (though not necessarily at the same time) during the prior calendar year. Any employer who was authorized by the Director before the effective date of this Section to submit his quarterly report on electronic data processing media may continue to do so without further approval by the Director.

Example: During 1993, the employer has no more than 225 individuals in its employ at any one time. However, during the year 25 of these individuals leave the employ of the employer and

DEPARTMENT OF EMPLOYMENT SECURITY

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are replaced by 25 other individuals. Though the employer's labor force never exceeds 225 individuals at any one time, the employer had 250 individuals in its employ during 1993 and, therefore, is subject to subsection (a) for 1994.

- c) The failure of an employer which is subject to subsection (a) to report in the manner required by that subsection shall subject the employer to the penalties set forth in Section 1402 of the Act. Any report approved by the Director for submission by a electronic data processing medium must be accompanied by a certification, signed by the owner, partner or authorized officer or official, that the information submitted is true and correct to the best of his knowledge and belief and that no part of the contribution reported was or is to be deducted from the worker's wages.

- d) Where not required by subsection (a), the reports required by Sections 2760.120 and 2760.125 may be made by the use of an electronic data processing medium which meets the prior written approval of the Director. The Director shall approve the use of an electronic data processing medium for reporting if it meets the requirements of subsections (a)(1) and (a)(2) and if the employer agrees to file both reports by the use of an electronic data processing medium.

- e) Any employer which was authorized by the Director before the effective date of this amended Section to submit both of its quarterly reports on an electronic data processing medium may continue to do so without further approval by the Director, on the condition that the medium continues to meet the requirements of subsections (a)(1) and (a)(2). Such employer is, however, subject to the requirements of subsection (f) of this Section.

- f) The first report submitted pursuant to this Section for any calendar year must be accompanied by a certification, on a form provided for this purpose by the Director, signed by the owner, partner or authorized officer or official, that the information submitted is true and correct to the best of his knowledge and belief and that no part of the contribution reported was or is to be deducted from the worker's wages.

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- g) The Director shall waive the reporting requirements of this Section for any employer which has been granted a waiver of the electronic reporting requirements of Internal Revenue Service Procedure 91-33. If the waiver granted by the Commissioner of the Internal Revenue Service covers a period other than a calendar year, the Director shall waive the reporting requirements of this Section for the calendar year or years of which the Internal Revenue Service's waiver covers a portion.

Example: The Commissioner of the Internal Revenue Service waives the reporting requirements of Internal Revenue Service Procedure 91-33 for an employer for the period from July 1, 1994 through June 30, 1995. The Director shall waive the reporting requirements of this Section for both calendar years 1994 and 1995.

(Source: Amended at 18 Ill. Reg. _____, effective December 27, 1993.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Adopted Action:
304.213 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1013, 1027, [415 ILCS 5/13 and 27]
- 5) Effective Date of Amendment: December 23, 1993
- 6) Does this amendment contain an automatic repeal date?
Yes, December 31, 1999.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date filed in Board's principal office: December 16, 1993.
- 9) Notice of Proposal Published in Illinois Register:
17 Ill. Reg. 15223, September 24, 1993
- 10) Has JCAR issued a Statement of Objections to these rules?
No.
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
No changes requested.
- 13) Will this amendment replace an emergency rule currently in effect? No.
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The following amendments are made to Section 304.213: (1) change Union Oil of California to UNO-VEN to reflect a change in ownership; (2) add a concentration-based limitation for ammonia nitrogen on a monthly basis; (3) require a report on nitrogen in feedstock within 60 days after the end of the calendar year; and (4) to extend the expiration date of the rule to December 31, 1999. A more detailed description is contained in the Board's opinion of December 16, 1993 in R93-8, which opinion is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendment shall be directed to:

Diane F. O'Neill
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6062

The full text of the adopted amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE C: WATER POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 PART 304
 EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging of Water Quality Standards
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.107	Deoxygenating Wastes
304.108	Bacteria
304.109	Nitrogen (STORET number 00610)
304.110	Phosphorus (STORET number 00665)
304.111	Additional Contaminants
304.112	pH
304.113	Mercury
304.114	Delays in Upgrading (Repealed)
304.115	NPDES Effluent Standards
304.116	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND
 EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of The Metropolitan Sanitary District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberg Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	Union-Off UNO-VEN Refinery Ammonia Discharge

POLLUTION CONTROL BOARD

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304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges
304.216	Newton Station Suspended Solids Discharges
304.218	City of Pana Phosphorus Discharge
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company
304.221	Ringwood Drive Manufacturing Facility in McHenry County
304.222	Intermittent Discharge of TRC

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section	
304.301	Exception for Ammonia Nitrogen Water Quality Violations
304.302	City of Joliet East Side Wastewater Treatment Plant

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1013 and 1027), [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May

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27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 15 Ill. Reg. _____, effective December 23, 1993.

Section 304.213 UNO-~~VEN~~ Refinery Ammonia Discharge

- a) This Section applies to discharges from ~~Union-Oil Company of California's~~ UNO-~~VEN's~~ Chicago Refinery, located in Lemont into the Chicago Sanitary and Ship Canal.
- b) The requirements of Section 304.122(b) shall not apply to the discharge. Instead ~~Union~~ UNO-~~VEN~~ must meet applicable Best Available Technology Economically Achievable (BAT) limitations pursuant to 40 CFR 419.23 ~~(1985)~~ (1992) incorporated by reference in subsection (c). UNO-~~VEN~~ shall also meet a monthly average limitation for ammonia nitrogen of 9.4 mg/l and a daily maximum limitation of 26.0 mg/l.
- c) The Board incorporates by reference 40 CFR 419.23 ~~(1985)~~ (1992) only as it relates to ammonia nitrogen as N. This incorporation includes no subsequent amendments or editions.
- d) ~~Union~~ UNO-~~VEN~~ shall continue its efforts to reduce the concentration of ammonia nitrogen in its wastewaters.
- e) ~~Union~~ UNO-~~VEN~~ shall monitor the nitrogen concentration of its oil feedstocks and report on an annual basis such concentrations to the Agency.
- f) ~~Union~~ UNO-~~VEN~~ shall submit the reports described in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

subsection (e) no later than 30 60 days after the end of a calendar year.

- g) The provisions of this Section shall terminate on ~~December 31, 1993~~ December 31, 1999.

(Source: Amended at _____ Ill. Reg. _____, effective December 23, 1993.)

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Rights and Responsibilities2) Code Citation: 89 Ill. Adm. Code 1023) Section Numbers: Adopted Action:

102.200 Amendment
 102.210 Amendment
 102.220 Amendment
 102.230 Amendment
 102.235 New Section
 102.240 Amendment
 102.250 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13) [305 ILCS 5/12-13] and Public Act 88-85 [305 ILCS 5/3-9] (from ch. 23, par. 319), [305 ILCS 5/3-10] (from ch. 23, par. 3-10) [305 ILCS 5/5-13] (from ch. 23, par. 5-13) [305 ILCS 5/5-13.5 new]5) Effective Date of Amendments: December 28, 19936) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: December 28, 19939) Notice of Proposal Published in Illinois Register:

September 24, 1993 (17 Ill. Reg. 15461)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: Two changes were made in the text of the proposed amendments. Section 3-12 of the Public Aid Code, which authorized the Department to file liens on mobile homes, was repealed. Subsection 102.230(a)(3) was, therefore, deleted. Also, in subsection 102.220(a), the phrase "on or after July 14, 1993" has been deleted. No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these Amendments replace Emergency Amendments currently in effect? No14) Are there any Amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: This rulemaking is necessary to implement the provisions of Public Act 88-85 regarding the recovery of assistance, real property liens and estate claims. As the result of these proposed amendments, on the death of a person who has been a recipient, the Department will be able to file a claim against that person's estate or against the estate of that person's surviving spouse for the total amount paid to or in behalf of the recipient. The Department's claim against the estate of a deceased recipient or the deceased recipient's surviving spouse will encompass all income maintenance assistance paid out at any time, and either all medical assistance paid out at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien or all medical assistance paid out for a recipient while 65 years of age or older. In addition, the Department's lien against a recipient's real property will encompass all medical assistance paid out at any time for a permanently institutionalized recipient on or after July 14, 1993, and all income maintenance assistance paid to or on behalf of a recipient on or after the following dates:

Assistance Program	Effective Date
AABD(A)	January, 1962
AABD(B) and (D)	November, 1963

These proposed amendments also remove the exemption for the filing of a lien against homestead property owned by a recipient of AABD with a market value of less than \$25,000 and allows for the filing of a lien against a permanently institutionalized MANG(A), (B) or (D) recipient. The Department will now be able to file a lien against the homestead property owned by any recipient of AABD as well as permanently institutionalized recipients of MANG(A), (B) or (D), except as provided in Section 102.235. However, an individual who applies for or receives financial or medical assistance, social services or food stamp benefits will have the right to appeal a decision under Section 102.235 to file a lien on the real property, including the home, of a permanently institutionalized recipient.

These proposed amendments also permit the Department to defer foreclosure of a lien on homestead property, except in case of fraud, if the property is occupied by the recipient or the recipient's surviving spouse, child under 21, or child over 21 who is blind or permanently and totally disabled. In the case of a permanently institutionalized recipient, the Department will defer foreclosure of a lien on homestead property if a sibling of the recipient has resided continuously in the property since at least one year immediately before the date the recipient was admitted to the institution or if a child of the recipient who has resided continuously in the property since at least two years immediately before the date the recipient was admitted to the institution establishes that he

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NOTICE OF ADOPTED AMENDMENTS

or she provided care for at least two years before admission that enabled the recipient to live at home rather than in an institution.

These proposed amendments include provisions which allow the Department to release a lien when a MANG(A), (B) or (D) recipient has been medically discharged from an institution and returns to his or her home on which the Department holds a lien.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 102
RIGHTS AND RESPONSIBILITIES

Section	
102.1	Incorporation By Reference
102.10	Rights of Clients
102.20	Nondiscrimination
102.25	Grievance Rights of Clients
102.30	Confidentiality of Case Information
102.35	Case Records
102.40	Freedom of Choice
102.50	Reporting Change of Circumstances
102.60	Referral Requirements
102.63	Reporting Child Abuse/Neglect
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.100	Excess Assistance (Recodified)
102.110	Recoupment of Overpayments (Recodified)
102.120	Correction of Underpayments
102.200	Recovery of Assistance
102.210	Estate Claims
102.220	Real Property Liens
102.230	Filing and Renewal of Liens
102.235	Liens on Property of Institutionalized Recipients
102.240	Foreclosure of Liens
102.250	Release of Liens
102.260	Personal Injury Claims
102.270	Convictions of Fraud - Eligibility
102.280	Single Conviction of Fraud - Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989 1991, ch. 23, pars. 11-1 et seq. and 12-13)

SOURCE: Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979;

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amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 16 Ill. Reg. _____, effective December 28, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 102.200 Recovery of Assistance

- a) By means of claims against the estates of deceased recipients and the estates of their surviving spouses and liens against recipients' real property interests, the Department has a statutory right to recover assistance provided to or in behalf of recipients according to the terms prescribed in this Section rule.
- b) The Department shall effect its recoveries by one of the following actions:
 - 1) acceptance of an amount, as settlement, equal to the estimated amount which would be collected if the estate were administered or the lien foreclosed;
 - 2) administration of the estate; or
 - 3) foreclosure of the lien.
- c) When the Department has both an estate claim and a real property lien, collection of the claim and lien shall be by one action.

(Source: Amended at Ill. Reg. _____, effective December 28, 1993)

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Section 102.210 Estate Claims

- a) The Department's claim against the estate of a deceased recipient or the deceased recipient's surviving spouse shall encompass all income maintenance assistance paid out at any time and all medical assistance paid out for a recipient while 65 years of age or older.
- 1) all income maintenance assistance paid out at any time, and either
- 2) all medical assistance paid out at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien, or
- 3) all medical assistance paid out for a recipient while 65 years of age or older.
- b) The claim shall apply to assistance provided to or in behalf of a recipient on or after the following dates:

Assistance Program Effective Date

- | | |
|---------------------------------|--------------------|
| 1) AABD (Aged) | 1) 1963 |
| (AABD(A)) | |
| 2) AABD (Blind) and (Disabled) | 2) November, 1963 |
| (AABD(B) and (D)) | |
| 3) MANG (Blind), and (Disabled) | 3) January 1, 1966 |
| (MANG(A), (B), and (D)) | |
- c) The Department shall not enforce a claim for medical assistance against any property, real or personal, of a deceased recipient while one or more of the following relatives survives: spouse of decedent, child under 21, or child over 21 who is blind or permanently and totally disabled.
 - d) The Department shall not enforce a claim for income maintenance assistance against homestead property of a deceased recipient while the homestead is occupied by one or more of the surviving relatives previously specified.
 - e) The Department may defer or waive enforcement of its claim for income maintenance assistance if it determines that:
 - 1) The deceased recipient is survived by a dependent spouse and minor child or children; or

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Section 102.210(e) (continued)

- 2) Rehabilitative training for employment or other means of self-support for the surviving spouse or children is feasible, and deferment or waiver will facilitate achievement of self-support status and prevent or reduce the likelihood of return to dependency on public assistance of the spouse or children.

(Source: Amended at 18 Ill. Reg. ____, effective December 28, 1993)

Section 102.220 Real Property Liens

The Department's lien against a recipient's real property shall encompass all income-maintenance-assistance-paid-out-at-any-time-and-shall-represent assistance-provided-to-or-on-behalf-of-a-recipient-on-or-after-the-following dates:

- a) all medical assistance paid out at any time for a permanently institutionalized recipient, and
- b) all income maintenance assistance paid to or on behalf of a recipient on or after the following dates:

Assistance Program Effective Date

AABD(A) January, 1962
AABD(B) and (D) November, 1963

(Source: Amended at 18 Ill. Reg. ____, effective December 28, 1993)

Section 102.230 Filing and Renewal of Liens

- a) The Department shall file a lien against:

- 1) The homestead property owned by a recipient of AABD with a market value of \$25,000 or more:

- A) a recipient of AABD; or
- B) a permanently institutionalized recipient of MANG(A), (B) or (D), except as provided in Section 102.235;

- 2) Any other legal or equitable real property interests, regardless of value, which a the recipient possesses unless the property is located outside the State of Illinois; and

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 102.230(a) (continued)

- 3) Any mobile-home, owned and occupied by a recipient as a homestead, for which a certificate of title is required by the Illinois Vehicle Title and Registration Law (Ill. Rev. Stat. 1983, ch. 98-1/3, pars. 3-100 et seq.);

- b) The lien shall be renewed every five years by the Department until it is satisfied.

(Source: Amended at 18 Ill. Reg. ____, effective December 28, 1993)

Section 102.235 Liens on Property of Institutionalized Recipients

- a) Except as provided in subsection (b) below, the Department shall file a lien on all real property, including the home, of a recipient of MANG(A), (B) or (D) who it determines to be permanently institutionalized, i.e., cannot reasonably be expected to be discharged and return home from a long term care institution.
- b) The Department will not file a lien on the home if it is occupied by the permanently institutionalized recipient's spouse, minor or disabled or blind child, or sibling who has an equity interest in the home and has legally resided in it continuously for at least one year immediately before the date the recipient was admitted to a long term care institution.

- c) There shall be a rebuttable presumption of permanent institutionalization when a recipient has resided for at least 120 calendar days in one or more institutions for long term care.

- d) The Department shall provide the recipient with at least 10 calendar days advance notice of its intention to file a lien on the recipient's real property, based on its determination that the recipient is permanently institutionalized, and of the recipient's right to request and obtain a fair hearing on this determination.

(Source: Added at 13 Ill. Reg. ____, effective December 28, 1993)

Section 102.240 Foreclosure of Liens

- a) The Department may enforce a lien by foreclosure:

- 1) At any time when there is a transfer of a recipient's real property subject to the lien;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 102.240(a) (continued)

- 2) In case of fraud; or
- 3) At the time of the recipient's death.
- b) The Department shall defer foreclosure of a lien on homestead property, except in case of fraud, if: the property is occupied by the recipient or the recipient's surviving spouse, child under 21, or child over 21 who is blind or permanently and totally disabled.
- 1) the property is occupied by the recipient or the recipient's surviving spouse, child under 21, or child over 21 who is blind or permanently and totally disabled, or
- 2) in the case of a permanently institutionalized recipient.
- A) a sibling of the recipient has resided continuously in the property since at least one year immediately before the date the recipient was admitted to the institution, or
- B) a child of the recipient who has resided continuously in the property since at least two years immediately before the date the recipient was admitted to the institution establishes that he or she provided care for at least two years before admission that enabled the recipient to live at home rather than in an institution.

(Source: Amended at 18 Ill. Reg. _____, effective December 28, 1993)

Section 102.250 Release of Liens

- a) The Department shall release a lien when:

- 1) The Department receives full repayment of the assistance granted subject to the lien;
- 2) A bond is filed, with a surety or sureties acceptable to the Department, which guarantees payment of the amount of the lien; or
- 3) The lien was filed in error.
- 4) A MANG(A), (B) or (D) recipient has been medically discharged from an institution and returns to his or her home on which the Department holds a lien.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 102.250 (continued)

- b) The Department may also release a lien when:
 - 1) It receives the value of the property to which the lien attaches, but its claim for any balance due on the lien is reserved against any of the recipient's subsequently discovered assets; or
 - 2) The recipient has a dependent spouse and minor children; or
 - 3) Rehabilitative training for employment or other means of self-support is feasible where release of the lien would facilitate achievement of self-support status and prevent or reduce the likelihood of a return to dependency on public assistance.

(Source: Amended at 18 Ill. Reg. _____, effective December 28, 1993)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Relocation Assistance and Payments Program
- 2) Code Citation: 92 Ill. Adm. Code 518
- 3) Section Numbers:

518.20 518.750	<u>Adopted Action:</u> Amend Amend
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- 4) Statutory Authority: 605 ILCS 5/3-107.1 through 3-107.1f and 4-511
- 5) Effective date of rules: December 23, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in agency's principal office: December 17, 1993
- 9) Notice of proposal published in Illinois Register:
August 6, 1993, 17 Ill. Reg. 12628
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
The following changes were made in agreement with the Code Division:
The Department corrected the Main Source Note by spelling out "April 25, 1989."
The Subpart headings have been inserted in the text.
The following changes were made in agreement with JCAR:
The word "Section" has been deleted above Sections 518.420, 518.865 and 518.4055 in the table of contents.
The Department changed "5/3.107.1f and 5/4-511" to "3-107.1f and 4-511" in the Authority Note.
The Department deleted the word "Section" before "213" in the Authority Note.

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- The Department inserted a line between the definition of "Nonprofit organization" and "Owner of a dwelling" in Section 518.20.
- The Department changed the semicolons to periods in the definition of "Comparable replacement dwelling." Also, the Department has stricken through the reference to P.A. 85-1407 at the end of this definition.
- The Department changed the period to a semicolon in the definition of "Displaced person."
- The Department changed the semicolon at the end of the definition of "Owner of a dwelling" to a colon in Section 518.20.
- The Department changed "Pub L." to "P. L." in the definition of "Uniform Act" in Section 518.20.
- The Department has stricken through the comma following "100-17" in the definition of "Uniform Act" in Section 510.20.
- The Department inserted a period following "Note" in the definition of "Uniform Act" in Section 518.20.
- The Department has stricken through "may also be eligible" before "is entitled" in Section 518.750(a).
- The Department has stricken through the comma following "10,000" in Section 518.750(a).
- The Department has stricken through the reference to P.A. 85-1407 in Section 518.750(a).
- The Department deleted the hyphen following "organi" in Section 518.750(a).
- The Department has stricken through "(54 FR 8938 and 8939, effective March 2, 1989)" in Section 518.750(a).
- The Department inserted a space between "as" and "determined" and has stricken through "may" in Section 518.750(b).
- The Department has stricken through the commas in Section 518.750(b)(3)(B) and (10).
- The Department has stricken through the comma following "such as" in Section 518.750(c)(1).

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12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department revises Sections 518.20 and 518.750 to be consistent with 49 CFR 24, Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally Assisted Programs. The Federal Highway Administration (FHWA) adopted amendments at 58 FR 26072, April 30, 1993 which necessitate revisions to Part 518. These amendments clarify and reduce burdensome regulations which currently exist.

In Section 518.20, the definition of small business has been expanded to include the phrase "... which site is the location of economic activity; sites occupied solely by outdoor advertising signs, displays or devices do not qualify as a business for purposes of Section 518.750."

Specific dollar limits for reimbursement of reestablishment expenses found in Sections 518.750(b)(3), (b)(8) and (b)(10) have been removed. These changes allow for greater flexibility within the \$10,000 limit.

Section 518.750(b)(13) has been deleted in its entirety. This Section provided a waiver mechanism for costs permitted in Sections 518.750(b)(3), (b)(8), and (b)(10) that exceeded individual allowable limits. Since these limits will no longer be in effect upon adoption of this rulemaking, the waiver mechanism is not needed.

Section 518.750(c)(3) has also been removed. The determination required by this provision proved to be too subjective and made administration of this provision too difficult.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. David E. Schinnee
Engineer of Land Acquisition
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-6243

The full text of the Adopted Amendments begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

PART 518
RELOCATION ASSISTANCE AND PAYMENTS PROGRAM

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518.15	Definitions
518.20	

SUBPART B: ASSURANCES OF PROGRAM

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518.105	Eviction For Cause
518.110	Deductions From Relocation Payments
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518.120	Prevention of Fraud, Waste, and Mismanagement
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518.130	Federal or State Agency Waiver of Regulations
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518.140	No Duplication of Payments
518.145	Basic Eligibility Requirements

SUBPART C: CLAIMS

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SUBPART D: RELOCATION ASSISTANCE ADVISORY SERVICES

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518.300	General Information on Advisory Services Offered
518.305	To Whom Provided Advisory Services
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518.315	District Relocation Office
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SUBPART E: PUBLIC INFORMATION

Section	
518.400	General Requirements
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518.410 Personal Notice of Relocation Program
 518.415 Notice of Displacement
 518.420 Thirty Day Specific Date Written Notice to Vacate
 SUBPART F: REVIEWS - DISPUTED CLAIMS

Section
 518.500 Denial of Claim and Method of Review
 518.505 Time Limit For Review

SUBPART G: COMPLIANCE WITH FAIR HOUSING LAWS

Section
 518.600 Compliance with State and Federal Fair Housing Laws (Civil Rights)

SUBPART H: MOVING PAYMENTS

Section
 518.700 Payment Authorization
 518.705 Moving and Related Expense Payments - General Provisions For All Relocated Individuals, Families, Businesses, and Farm Operations
 518.710 Ineligible Moving and Related Expenses
 518.715 Residential Moving Payments For Individuals and Families
 518.720 **Actual Reasonable Moving Expenses** (Section 3-107.1 of the Code, as amended by P.A. 85-1407, effective September 22, 1988)
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 518.740 Payment For Actual Reasonable Moving and Related Expenses - Non-Residential Moves
 518.745 Fixed Payment For Moving Expenses - Non-Residential Moves
 518.750 Reestablishment Expenses - For Small Businesses, Farm Operations, and Non-Profit Organizations

SUBPART I: REPLACEMENT HOUSING PAYMENTS

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 518.800 General Provisions For Replacement Housing Payments
 518.805 Occupancy Provisions
 518.810 Inspection For Decent, Safe and Sanitary Housing
 518.815 Statement of Eligibility to Lending Agency
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SUBPART J: REPLACEMENT HOUSING PAYMENTS FOR ONE HUNDRED AND EIGHTY DAY OWNER WHO PURCHASES

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SUBPART N: MOBILE HOMES

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 518.4035 General Rules For Replacement Housing or Rent Supplement Payment Computations
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 518.4055 Acquisition of Mobile Home and Site
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 518.4065 Acquisition of Mobile Home Only - Owner-Occupant Rents Site
 518.4070 Acquisition of Rented Site Only--Mobile Home Not Acquired
 518.4075 Replacement Housing Payment For Ninety Day Owner-Occupants
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 518.4095 Rent Supplement Payment to Tenants - Occupants of Mobile Homes For Ninety Days or More
 518.4100 Claim Forms

SUBPART O: INCIDENTAL EXPENSES

Section
 518.5000 Eligible Incidental Expenses on Transfer of Real Property to the State

518.Exhibit A Residential Moving Expense and Dislocation Allowance

AUTHORITY: Implementing Sections 3-107.1 through 3-107.1f and Section 4-511 of the Illinois Highway Code (Ill. Rev. Stat. 1987, ch. 121, pars. 3-107.1 through 3-107.1f and 4-511 as amended by P.A. 85-1407, effective September 22, 1988) 605 ILCS 5/3-107.1 through 3-107.1f and 4-511; which were required by Sections 103, 210 and 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 Note); Department of Transportation Act (49 U.S.C. 1655); Delegation of Authority by the Secretary of Transportation (49 CFR 1.48(dd), 1987); Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs (54 FR 8912, effective March 2, 1989); Title VI Program and Related Statutes - Implementation and Review Procedures (23 CFR 200, 1988) and authorized by Section 3-107.1e of the Illinois Highway Code (Ill. Rev. Stat. 1987, ch. 121, par. 3-107.1e) 605 ILCS 5/3 - 107.1e.

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SOURCE: Peremptory rules adopted at 13 Ill. Reg. 7057, effective April 25, 1989; amended at Ill. Reg. _____, effective December 23, 1993.

NOTE: Bold face print denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 518.20 Definitions

"Acquiring agency" - means a State agency which has the authority to acquire property by eminent domain under State law, and a State agency or person which does not have such authority, unless any such agency or person is acquiring property pursuant to the following:

Voluntary transactions when the acquiring agency has the power of eminent domain, but it will not acquire the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed in writing.

The acquisition of real property from a Federal agency, State, or State agency, if the acquiring agency does not have the authority to acquire the property through condemnation.

Projects or programs undertaken by an acquiring agency or person that receives Federal financial assistance but does not have authority to acquire property by eminent domain, provided that such agency or person shall:

Prior to making an offer for the property, clearly advise the owner that it is unable to acquire the property in the event negotiations fail to result in an amicable agreement; and

Inform the owner of what it believes to be fair market value of the property, based on an appraisal.

"Agency" - means the Federal agency, State, State agency, or person that acquires the real property or displaces a person. (54 FR 8928, effective March 2, 1989)

"Appraisal" - means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of the described property as of a specific date, supported by the presentation and analysis of relevant market information. (54 FR 8928 and 8929, effective March 2, 1989)

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"Business" - means any lawful activity, except a farm operation, that is conducted:

Primarily for the purchase, sale, lease or rental of personal or real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or

Primarily for the sale of services to the public; or
Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or

By a nonprofit organization that has established its nonprofit status under applicable Federal or State law. (54 FR 8929, effective March 2, 1989)

"Comparable replacement dwelling" - means a dwelling which is:

"Decent, safe and sanitary" as described in this Section.

Functionally equivalent to the displacement dwelling.
The term "functionally equivalent" means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the Department will consider trade-offs for specific features when the replacement unit is "equal to or better than" the displacement dwelling. A comparable replacement dwelling for a person who is not receiving assistance under any government housing program before displacement must be currently available on the private market without any subsidy under a government housing program.

A public housing unit will qualify as a comparable replacement dwelling only for a person displaced from a public housing unit; a privately-owned dwelling with a housing program subsidy tied to the unit will qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing; a housing program subsidy to a person (not tied to the building), such as a HUD Section 8 Existing

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Housing Program Certificate or a Housing Voucher, may be reflected in an offer of a comparable replacement dwelling to a person receiving a similar subsidy or occupying a privately-owned subsidized unit or public housing unit before displacement.

However, nothing in this Part prohibits the Illinois Department of Transportation (Department) from offering, or precludes a person from accepting, assistance under a government housing program, even if the person did not receive similar assistance before displacement. However, the Department is obligated to inform the person of his or her options. If a person accepts assistance under a government housing program, the rental assistance payment will be computed on the basis of the person's actual out-of-pocket cost for the replacement housing.

Adequate in size to accommodate the occupants².

In an area not subject to unreasonable adverse environmental conditions².

In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment².

On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses².

Currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance² ~~and~~.

Within the financial means of the displaced person.

A replacement dwelling purchased by a homeowner in occupancy for at least one hundred and eighty days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner is paid the full price differential, all increased

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mortgage interest costs and all incidental expenses as described herein plus any additional amount required to be paid under last resort housing.

A replacement dwelling rented by a displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and utility costs for the replacement dwelling do not exceed thirty percent of average gross monthly household income.

For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if the Agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds thirty percent of such person's gross monthly household income. Such rental assistance must be paid under last resort housing provisions (see Subpart M) for a period of ~~forty two months~~ (Section 3-107.1c of the Code, ~~as amended by P.A. 85-1407, effective September 22, 1988~~). (54 FR 8929, effective March 2, 1989)

"Contributes materially" - means that during the two taxable years prior to the taxable year in which displacement occurs, or, during such other period as the Department determines to be more equitable, a business or farm operation:

Had average annual gross receipts of at least \$5,000; or

Had average annual net earnings of at least \$1,000; or contributed at least thirty three and one-third percent of the owner's or operator's average annual gross income from all sources.

If the application of the above criteria creates an inequity or hardship in any given case, the Department may approve the use of other criteria as determined appropriate. (54 FR 8929, effective March 2, 1989)

"Decent, safe and sanitary dwelling" - means a dwelling which meets applicable housing and occupancy codes. However, any of the following standards which are not met by an applicable code

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shall apply unless waived for good cause by the Federal agency funding the project. The dwelling shall:

Be structurally sound, weathertight, and in good repair.

Contain a safe electrical wiring system adequate for lighting and other devices.

Contain a heating system capable of sustaining a healthful temperature (of approximately seventy degrees) for a displaced person, except in those areas where local climate conditions do not require such a system.

Be adequate in size with respect to the number of rooms and living space needed to accommodate the displaced person. There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person. (54 FR 8929, effective March 2, 1989)

"Department" - means the Illinois Department of Transportation.

"Director, Division of Highways" - means the Director acting as the Chief Executive Officer of the Division of Highways, including all nine District offices, of the Illinois Department of Transportation.

"Displaced person" - means any person who moves from the real property or moves his or her personal property from the real property:

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As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project. This includes a person who does not meet length of occupancy requirements--.

As a direct result of rehabilitation or demolition for a project; or

As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person applies only for purposes of obtaining relocation assistance advisory services and moving expenses. (54 FR 8929 and 8930, effective March 2, 1989)

"Displacing agency" - means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person. (54 FR 8928, effective March 2, 1989)

"District Engineer" - means any one of the Registered Professional Engineers acting as the Chief Executive Officer of any one of the nine District offices of the Division of Highways of the Illinois Department of Transportation.

"Dwelling" - means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit. (54 FR 8930, effective March 2, 1989)

"Farm operation" - means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (54 FR 8930, effective March 2, 1989)

"Federal agency" - means any department, Agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve Banks and branches thereof, and any person who

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has the authority to acquire property by eminent domain under Federal law. (54 FR 8928, effective March 2, 1989)

"Federal financial assistance" - means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual. (54 FR 8930, effective March 2, 1989)

"FHWA" - means the Federal Highway Administration of the United States Department of Transportation.

"Initiation of negotiations" - means the following unless a different action is specified in applicable Federal program regulations:

Whenever the displacement results from acquisition of the real property by a Federal agency or State agency, the "initiation of negotiations" means the delivery of the initial written offer of just compensation by the Agency to the owner or the owner's representative to purchase the real property for the project. However, if the Federal agency or State agency issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the "initiation of negotiations" means the actual move of the person from the property.

Whenever the displacement is caused by rehabilitation, demolition or privately undertaken acquisition of the real property (and there is no related acquisition by a Federal agency or a State agency), the "initiation of negotiations" means the written notice (hereafter referred to as "Notice") to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.

In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or "Superfund") the "initiation of negotiations" means the formal announcement of such relocation or the Federal or federally-coordinated health advisory where the Federal Government later decides to conduct a permanent relocation. (54 FR 8930, effective March 2, 1989)

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"Lead agency" - means the U.S. Department of Transportation acting through the Federal Highway Administration. (54 FR 8930, effective March 2, 1989)

"Mortgage" - means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby. (54 FR 8930, effective March 2, 1989)

"Nonprofit organization" - means an organization that is exempt from paying Federal income taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501) (54 FR 8930, effective March 2, 1989).

"Owner of a dwelling" - means a person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

Fee title, a life estate, a ninety nine year lease, or a lease including any options for extension with at least fifty years to run from the date of acquisition; or

An interest in a cooperative housing project which includes the right to occupy a dwelling; or

A contract to purchase any of the above interests or estates; or

Any other interest, including a partial interest, which in the judgment of the Agency warrants consideration as ownership. (54 FR 8930, effective March 2, 1989)

"Person" - means any individual, family, partnership, corporation, or association. (54 FR 8931, effective March 2, 1989)

"Persons not displaced" - means the following list of persons, including, but not limited to, those persons who do not qualify as displaced persons under this Part:

A person who moves before the initiation of negotiations unless the Department determines that the person was displaced as a direct result of the program or the project.

A person who initially enters into occupancy of the property after the date of its acquisition for the project.

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A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act.

A tenant-occupant of a dwelling who has been notified on a timely basis that he or she will not be displaced by the project, provided that:

The tenant is offered an opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building or nearby building on the real property.

The terms and conditions of continued occupancy are reasonable and set forth in a lease which is offered to the tenant; and

If the tenant is required to relocate temporarily, the conditions of the temporary relocation shall be reasonable; the tenant shall be reimbursed for the actual out-of-pocket expenses incurred in connection with the temporary relocation, including moving costs and any increased rent/utility costs; and the temporarily occupied dwelling shall be decent, safe and sanitary as defined in this Section. (54 FR 8946, effective March 2, 1989)

An owner-occupant who moves as a result of an acquisition that is not subject to the requirements of The Uniform Act or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or federally-assisted project is subject to this Part.)

A person whom the Department determines is not displaced as a direct result of a partial acquisition.

A person who, after receiving a notice of relocation eligibility is notified in writing that he or she will in fact not be displaced for a project. Such notice shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility.

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An owner-occupant who voluntarily sells his or her property after being informed in writing that, if a mutually satisfactory agreement of sale cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to this Part.

A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency.

A person who is determined to be in unlawful occupancy or a person who has been evicted for cause, under applicable law, prior to the initiation of negotiations for the property. (54 FR 8930, effective March 2, 1989)

"Project" - means any action or series of actions undertaken by a Federal agency or with Federal financial assistance that are designed primarily to further or complete an activity or program that will benefit the public as a whole. It does not include an action or series of actions undertaken by an individual or family with Federal financial assistance if such assistance is intended primarily to assist or benefit such individual or family. (54 FR 8933, effective March 2, 1989)

"Right-of-Way" - means all property, whether it is presently being used for highway purposes or not, either under the jurisdiction of the Department or owned in fee by the State of Illinois or dedicated to the People of the State of Illinois for highway purposes, for which the jurisdiction, maintenance, administration, engineering or improvement of any highway situated thereon has been contracted by the Department to any other highway authority. (Section 4-409 of the Illinois Highway Code (the Code)) (111. Rev. Stat. 1967, ch. 121, par. 4-409) (605 ILCS 5/4-409).

"Salvage value" - means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis. (54 FR 8931, effective March 2, 1989)

"Small business" - means a business having not more than five hundred employees working at the site being acquired or permanently displaced by a program or project, which site is the

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location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of Section 518.750. ~~(54 FR 8931, effective March 2, 1989)~~ (58 FR 26072, April 30, 1993.)

"State" - means any of the several States of the United States or the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territories of the Pacific Islands or a political subdivision of any of these jurisdictions. All references to "State" as used in this Part refers to the Illinois Department of Transportation unless otherwise identified. (54 FR 8931, effective March 2, 1989)

"State agency" - means any Department, Agency or instrumentality of a State or of a political subdivision of a State, any Department, Agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law. (54 FR 8928, effective March 2, 1989)

"Subsidiary project relocation office" - means an office established near a project to facilitate the delivery of relocation advisory services and payments.

"Tenant" - means a person who has the temporary use and occupancy of real property owned by another. (54 FR 8931, effective March 2, 1989)

"Uneconomic remnant" - means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the acquiring agency has determined has little or no value or utility to the owner. (54 FR 8931, effective March 2, 1989)

"Uniform Act" - means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; P. L. 91-646) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, 101 Stat. 246-256, Title IV of P.L. 100-17, (42 U.S.C. 4601 Note). (54 FR 8931, effective March 2, 1989)

"Unlawful occupancy" - A person is considered to be in unlawful occupancy when such person has been ordered to move by a court of competent jurisdiction prior to the initiation of negotiations for the acquisition of the occupied property. At the discretion of the displacing agency, squatters who occupy real property without the permission of the owner may be considered

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to be in unlawful occupancy. Technical violations of law and unlitigated violations of the terms of a lease, such as having an unauthorized pet or withholding rent because of improper building maintenance, do not render a person's occupancy unlawful. (54 FR 8931, effective March 2, 1989)

"Utility costs" - means expenses for heat, lights, water and sewer. (54 FR 8931, effective March 2, 1989)

"Utility facility" - means any electric, gas, water, steam power, or materials transmission or distribution system; and transportation system; any communications system, including cable television; and any fixtures, equipment or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned. (54 FR 8931, effective March 2, 1989)

"Utility relocation" - means the adjustment of a utility facility required by the program or project undertaken by the displacing agency. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right-of-way on new location; moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequency of project construction. (54 FR 8931, effective March 2, 1989)

(SOURCE: Amended at ___ Ill. Reg. _____, effective December 23, 1993)

SUBPART H: MOVING PAYMENTS

Section 518.750 Reestablishment Expenses - For Small Businesses, Farm Operations and Non-Profit Organizations

a) In addition to the payments available under Section 518.745, a small business, (as defined in Section 518.20) farm or non-profit organization ~~may also be eligible~~ is entitled to receive a payment, ~~not to exceed \$10,000.~~ (Section 3-107.1 of the Code, ~~as amended by P.A. 85-1407, effective September 22, 1988~~) for eligible, reasonable, and necessary, as determined by the Department, expenses actually incurred in relocating and reestablishing such small business, farm or non-profit organization at a replacement site. ~~(54 FR 8938 and 8939, effective March 2, 1989) (58 FR 26072, April 30, 1993)~~

b) Reestablishment expenses will be reasonable and necessary, as determined by the Department. They ~~may~~ include, but are not

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limited to, the following:

- 1) Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- 2) Modifications to the replacement real property to accommodate the business operation or to make replacement structures suitable for conducting the business.
- 3) Construction and installation costs, ~~not to exceed \$1,500,~~ for exterior signing to advertise the business.
- 4) Provision of utilities from the right-of-way to the improvements on the replacement site, i.e., from the road/street in to the building.
- 5) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, panelling, or carpeting.
- 6) Licenses, fees and permits when not paid as part of moving expenses.
- 7) Feasibility surveys, soil testing and marketing studies.
- 8) Advertisement of replacement location, ~~not to exceed \$1,500,~~ when not paid as part of moving expenses.
- 9) Professional services in connection with the purchase or lease of a replacement site.
- 10) Increased costs of operation during the first two years at the replacement site, ~~not to exceed \$5,000,~~ for such items as:
 - A) Lease or rental charges,
 - B) Personal or real property taxes,
 - C) Insurance premiums, and
 - D) Utility charges, excluding impact fees.
- 11) Impact fees or one-time assessments for anticipated heavy utility usage.
- 12) Other items that the Department considers essential to the reestablishment of the business.

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- ~~122) Expenses in excess of the regulatory maximums set forth in this Section, i.e., Exterior Signing \$1500 Maximum; Advertising-New Location \$1500 Maximum; Increased Operating Costs \$5000 Maximum; may be considered eligible if large and legitimate disparities exist between costs of operation at the displacement site and costs of operation at an otherwise similar replacement site. In all such cases, the regulatory limitation for reimbursement of such costs will be waived by the Federal Highway Administration, if a federally aided project, and such costs payable cannot exceed the \$10,000 (Section 3-102.1 of the Code, as amended by P.A. 85-1407, effective September 22, 1988) total statutory maximum in any case. (54 FR 8938 and 8939, effective March 2, 1989)~~

c) The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

- 1) Purchase of capital assets, such as, office furniture, filing cabinets, machinery or trade fixtures.
- 2) Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of the business operation.
- ~~3) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes rather than to replace soiled or worn surfaces.~~
- ~~4) Interest on money borrowed to make the move or to purchase the replacement property.~~
- ~~5) No reestablishment expense payment can be made to any part-time business which is conducted in the home when the business income generated does not contribute materially to the household income.~~
- ~~6) No reestablishment expense payment can be made to a person whose sole business at a displacement dwelling is the rental of such dwelling to others.~~
- ~~7) A reestablishment payment, cannot be made if a fixed moving payment has been claimed or paid. (54 FR 8938 and 8939, effective March 2, 1989)~~

(SOURCE: Amended at Ill. Reg. _____, effective December 23, 1993)

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NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Peremptory Action:
125.270 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316) [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 58 FR 59934 (1993).
- 5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316) [225 ILCS 650/16].
- 6) Effective Date: December 23, 1993
- 7) A Complete Description of the Subjects and Issues Involved:
In order to maintain an "equal to" status with the federal meat and poultry inspection programs as required by the Federal Meat Inspection Act and in compliance with Section 16 of The Meat and Poultry Inspection Act, changes in the federal rules relative to meat inspection are hereby adopted.
The Food Safety and Inspection Service is amending the chart of approved substances in its regulations to increase the maximum use level of sodium citrate as an anticoagulant in fresh blood of livestock from 0.2 percent to 0.5 percent. Additionally, the permitted level of sodium citrate is clarified to indicate that it is a percent based on the ingoing weight of the product.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: December 22, 1993
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? Yes, proposed amendments to Sections 125.260 and 125.380 (published in 17 Ill. Reg. 18917, 11/5/93) are pending.

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NOTICE OF PEREMPTORY AMENDMENTS

- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:
 Name: Debbie Wakefield
 Address: Illinois Department of Agriculture
 State Fairgrounds, Springfield,
 Illinois 62794-9281
 Telephone: 217/782-2172

The full text of the Peremptory amendment begins on the next page:

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NOTICE OF PEREMPTORY AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
 POULTRY INSPECTION

Section	Definitions
125.10	Incorporation by Reference of Federal Rules
125.20	Application for License; Approval
125.30	Official Number
125.40	Inspections; Suspension or Revocation of License
125.50	Administrative Hearings; Appeals
125.60	Assignment and Authority of Program Employees
125.70	Schedule of Operations; Overtime
125.80	Official Marks of Inspection, Devices and Certificates
125.90	Records and Reports
125.100	Exemptions
125.110	Disposal of Dead Animals and Poultry
125.120	Reportable Animal and Poultry Diseases
125.130	Detention; Seizure; Condemnation
125.140	

SUBPART B: MEAT INSPECTION

Section	Livestock and Meat Products	Entering	Official
125.150	Establishments		
125.160	Equine and Equine Products		
125.170	Facilities for Inspection		
125.180	Sanitation		
125.190	Ante-Mortem Inspection		
125.200	Post-Mortem Inspection		
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts		
125.220	Humane Slaughter of Animals		
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment		
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking		
125.250	Marking Products and Their Containers		
125.260	Labeling, Marking and Containers		
125.270	Entry into Official Establishment; Reinspection and Preparation of Product		
125.280	Meat Definitions and Standards of Identity or Composition		

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125.290 Transportation
 125.295 Imported Products
 125.300 Special Services Relating to Meat and Other Products
 125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
 125.310 Application of Inspection
 125.320 Facilities for Inspection
 125.330 Sanitation
 125.340 Operating Procedures
 125.350 Ante-Mortem Inspection
 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
 125.370 Handling and Disposal of Condemed or Inedible Products at Official Establishments
 125.380 Labeling and Containers
 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
 125.400 Definitions and Standards of Identity or Composition
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650/16] and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg.

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18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 15 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8801, effective June 7, 1991; amended at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment

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at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. _____, effective December 23, 1993

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.300 through 318.311 (1990; 54 FR 43041, effective January 18, 1990; 55 FR 7294, effective August 28, 1990; 55 FR 34678, effective September 24, 1990, as amended by 55 FR 49991, December 4, 1990; 57 FR 27870, effective July 22, 1992; 57 FR 42885, effective October 19, 1992; 58 FR 4067, effective February 12, 1993; 58 FR 41138, effective September 1, 1993; 58 FR 42188, effective September 8, 1993; 58 FR 45238 and 58 FR 45240, effective September 27, 1993; 58 FR 59934, effective December 13, 1993).

- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

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- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.

- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.

- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.

- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.

- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.

- i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.

- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.

- k) Disinfectants shall be those as set forth in Section 125.180.

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- 1) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 18 Ill. Reg. _____, effective December 23, 1993.)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) Section Numbers: Section 1285.80
- 4) Date Proposal Published in Illinois Register: June 25, 1993, at 17 Ill. Reg. 9624
- 5) Date Adoption published in Illinois Register: October 8, 1993, at 17 Ill. Reg. 17191
- 6) Date Request for Expedited Correction Published in Illinois Register:
December 10, 1993 (17 Ill. Reg. 21209)
- 7) Adoption Effective Date: September 27, 1993
- 8) Correction Effective Date: September 27, 1993
- 9) Reason for Approval of Expedited Correction: The expedited correction was approved by the Joint Committee on Administrative Rules at its meeting on December 14, 1993. The adopted rulemaking text inadvertently changed SPEC to SPEX as the abbreviation for the Special Purpose Exam for chiropractors. The expedited correction returns the text to its proper form.

The full text of the Section, indicating the correction, begins on the following page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EXPEDITED CORRECTION

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section
1285.20 Six (6) Year Post-Secondary Programs of Medical Education
1285.30 Programs of Chiropractic Education
1285.40 Approved Postgraduate Training Programs
1285.50 Application for Examination
1285.60 Examinations
1285.70 Application for a License on the Basis of Examination
1285.80 Licensure by Endorsement
1285.90 Temporary Licenses
1285.91 Visiting Resident Permits
1285.95 Clinical Skills Standards for Applicants Having Graduated More Than Five (5) Years Prior to Application
1285.100 Visiting Professor Permits
1285.101 Visiting Physician Permits
1285.105 Chiropractic Physician Preceptorship
1285.110 Continuing Medical Education (CME)
1285.120 Renewals
1285.130 Restoration and Inactive Status
1285.140 Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section
1285.200 Medical Disciplinary Board
1285.205 Complaint Committee
1285.210 The Medical Coordinator
1285.215 Complaint Handling Procedure
1285.220 Informal Conferences
1285.225 Consent Orders
1285.230 Summary Suspension
1285.235 Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240 Standards
1285.245 Advertising
1285.250 Monitoring of Probation and Other Discipline and Notification
1285.255 Rehabilitation
1285.260 Fines
1285.265 Subpoena Process of Medical and Hospital Records
1285.270 Inspection of Physical Premises

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1285.275 Failing to Furnish Information

SUBPART C: GENERAL INFORMATION

Section
1285.310 Public Access to Records and Meetings
1285.320 Response to Hospital Inquiries
1285.330 Rules of Evidence

AUTHORITY: Implementing the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 4400-1 through 4400-63) [225 ILCS 60] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. _____, effective September 27, 1993.

Section 1285.80 Licensure by Endorsement

a) Each applicant currently licensed in another jurisdiction who applies to the Department for a license to practice medicine in all of its branches on the basis of endorsement must cause to be submitted to the Department:

- 1) A signed application, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;
- 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
- 3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;
- 4) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree which shall evidence that the applicant has

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NOTICE OF EXPEDITED CORRECTION

met the minimum medical education requirements of the Act;

- 5) Certification on forms provided by the Department, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of passage of the examination set forth in Section 1285.20(k) for those applicants who are applying under Section 11(A)(2)(d)(i) of the Act;
- 6) An original, notarized English translation for any document submitted to the Department in a foreign language;
- 7) Proof of postgraduate clinical training in the United States or Canada;
- 8) Certification from the jurisdiction of original and current licensure stating:
 - A) The date of issuance of the license;
 - B) The basis of licensure and a description of the examination by which the applicant was licensed, if any;
 - C) Name and location of the college, university, or other institution from which the applicant received the medical education, type of degree and date degree was conferred; and
 - D) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
- 9) A complete work history since graduation from medical school;
- 10) The fee required by Section 21 of the Act.

- b) In addition to submitting the application required in subsection (a) above, each applicant for licensure to practice medicine in all of its branches pursuant to the provisions of Section 19 upon the basis of having passed a National Board of Medical Examiners Examination prior to January 1, 1964, or having passed a National Board of Examiners for Osteopathic Physicians and Surgeons Examination before June 1, 1973, or having passed the Licensure of the Medical Council of Canada (LMCC) before May 1, 1970, or having passed the Federation Licensing Examination (FLEX) prior to June 1, 1968, or a State Constructed Examination, shall, subject as hereinafter provided, pass an examination conducted by the Department or its designated testing service to test the clinical competence of the applicant (clinical test). The Department upon recommendation of the Medical Licensing Board has determined that the examination conducted under this Section shall be Component 2 of the FLEX prior to December 31, 1993, USMLE Step 3 after January 1, 1994 or the Special Purpose Examination (SPEX) as determined by the Board.

- 1) To be successful in Component 2 of the FLEX, USMLE Step 3 or the SPEX, applicants must receive a score of 75 or better. In the case of failure on three (3) attempts of the Component 2 examination, USMLE Step 3 or SPEX, or any combination thereof, the application for licensure on the basis of endorsement shall be denied. Such individuals may thereafter submit an application for licensure on the basis of examination and, if qualified, take the entire examination referenced in Section 1285.60 (a)(1), (2) and (3) of this Part in accordance with the manner described therein.

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- 2) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have been satisfied, make a recommendation to the Director of the Department of Professional Regulation (Director) for the waiver of the clinical examination requirement herein provided with respect to any such applicant for a license to practice medicine in all of its branches after full consideration of the quality of his/her medical education and clinical training or practical experience, including, but not limited to, whether the applicant is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in medicine and any other circumstance or attribute which the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in any branch of medicine.

- c) Each applicant currently licensed in another jurisdiction who applies to the Department for a license in Illinois as a chiropractic physician by endorsement must cause to be sent to the Department:
 - 1) A signed application on which all questions have been answered and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;

- 2) An official transcript of the courses of instruction prerequisite to professional training in a college, university or other institution;
- 3) An official transcript and copy of diploma or official transcript and certification of graduation from the medical education program granting the degree; the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of the Act;

- 4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

- 5) Successful completion of Part I, Part II and Part III of the examination administered by the National Board of Chiropractic Examiners.

- A) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 9 of the Act have not been satisfied, make a recommendation to the Director to require an applicant to successfully complete the Special Purposes Exam (SPEX) or Part III of the examination administered by the National Board of Chiropractic Examiners;

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- B) The Medical Licensing Board may recommend a waiver of Part III of the examination or the SPB# (SPEC) requirement. In making the recommendation, the Licensing Board shall consider the quality of the chiropractic education and practical experience, including, but not limited to, whether he/she is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in chiropractic and any other circumstance or attribute which the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in chiropractic;
- 6) Certification from the jurisdiction of original and current licensure stating:
- A) The date of issuance of the license;
 - B) The basis of licensure and a description of the examination by which the applicant was licensed, if any;
 - C) Name and location of the college, university, or other institution from which the applicant received his/her chiropractic education, type of degree and date degree was conferred; and
 - D) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;
- 7) A complete work history since graduation from chiropractic school; and
- 8) The fee required by Section 21 of the Act.

(Source: Expedited correction at 18 Ill. Reg. _____, effective September 27, 1993)

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302-Subpart F, the following water quality criteria have been derived as follows. This listing includes only the water quality criteria that have been used during the period August 1, 1993 through October 31, 1993. A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993.

Chemical: Acenaphthene Acute criterion: 124 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies:	CAS #83-32-9 Chronic criterion: 9.9 ug/l
07120005-012/on Illinois River	
Chemical: Acetone Acute criterion: 1,530 mg/l Date criteria derived: May 25, 1993 Applicable waterbodies:	CAS #67-64-1 Chronic criterion: 122 mg/l
07090007-005/off unnamed tributary Lawson Creek to Green River	
Chemical: Acetonitrile Acute criterion: 375 mg/l Date criteria derived: December 7, 1993 Applicable waterbodies:	CAS #75-05-8 Chronic criterion: 30 mg/l
07090007-005/off unnamed tributary Lawson Creek to Green River	
Chemical: Acrylonitrile Acute criterion: 910 ug/l Human health criterion (HNC): 0.21 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies:	CAS #107-13-4 Chronic criterion: 73 ug/l
07120004-010/off drainage to DesPlaines River 07120005-012/on Illinois River 07120005-012/off Aux Sable Creek	
Chemical: Anthracene Human health criterion (HTC): 35 mg/l Date criteria derived: August 18, 1993 Applicable waterbodies:	CAS #120-12-7
Not used during this period.	
Chemical: Benzene Acute criterion: 5,200 ug/l Human health criterion (HNC): 21 ug/l Date criteria derived: August 15, 1990 Applicable waterbodies:	CAS #71-43-2 Chronic criterion: 416 ug/l
07090007-005/off unnamed tributary Lawson Creek to Green River 07120004-010/off drainage to DesPlaines River 07120005-012/on Illinois River	

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Chemical: Benzo(a)anthracene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #56-55-3
Chemical: Benzo(a)pyrene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #50-32-8
Chemical: Benzo(b)fluoranthene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS # 205-99-2
Chemical: Benzo(k)fluoranthene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #207-08-9
Chemical: Carbon tetrachloride Acute criterion: 3,500 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River 07120004-010/off drainage to DesPlaines River	CAS #56-23-5 Chronic criterion: 280 ug/l
Chemical: Chlorobenzene Acute criterion: 993 ug/l Date criteria derived: December 11, 1991 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River 07120004-010/off drainage to DesPlaines River	CAS #108-90-7 Chronic criterion: 79 ug/l
Chemical: Chloroform Acute criterion: 1870 ug/l Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River	CAS #67-66-3 Chronic criterion: 150 ug/l

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Chemical: Chrysene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #218-01-9
Chemical: 1,2-dichlorobenzene Acute criterion: 210 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: 07120004-010/off drainage to DesPlaines River 07120005-012/on Illinois River 07120005-012/off Aux Sable Creek	CAS #95-50-1 Chronic criterion: 16.8 ug/l
Chemical: 1,3-dichlorobenzene Acute criterion: 500 ug/l Date criteria derived: July 31, 1991 Applicable waterbodies: 07120004-010/off drainage to DesPlaines River	CAS #541-73-1 Chronic criterion: 196 ug/l
Chemical: 1,2-dichloroethane Acute criterion: 24,900 ug/l Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River 07120004-010/off drainage to DesPlaines River 07120005-012/off Aux Sable Creek	CAS #107-06-2 Chronic criterion: 4,540 ug/l
Chemical: 1,1-dichloroethylene Acute criterion: 3030 ug/l Human health criterion (HNC): 0.95 ug/l Date criteria derived: March 20, 1992 Applicable waterbodies: 07120004-010/off drainage to DesPlaines River	CAS #75-35-4 Chronic criterion: 242 ug/l
Chemical: 2,4-dichlorophenol Acute criterion: 631 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: 07120005-012/on Illinois River	CAS #120-83-2 Chronic criterion: 83.1 ug/l
Chemical: 1,2-dichloropropane Acute criterion: 4800 ug/l Date criteria derived: December 7, 1993 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River	CAS #78-87-5 Chronic criterion: 380 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,3-dichloropropylene Acute criterion: 99 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies:	CAS #542-75-6 Chronic criterion: 7.9 ug/l
07120004-010/off drainage to DesPlaines River	
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol CAS #534-52-1 Acute criterion: 28.8 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies:	
07120004-010/off drainage to DesPlaines River	
Chemical: 2,4-dinitrophenol Acute criterion: 85.3 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies:	CAS #51-28-5 Chronic criterion: 4.07 ug/l
07120004-010/off drainage to DesPlaines River	
Chemical: 2,6-dinitrotoluene Acute criterion: 1910 ug/l Date criteria derived: February 14, 1992 Applicable waterbodies:	CAS #606-20-2 Chronic criterion: 153 ug/l
07120005-012/on Illinois River	
Chemical: Ethylbenzene Acute criterion: 216 ug/l Date criteria derived: August 15, 1990, revised May 17, 1991 Applicable waterbodies:	CAS #100-41-4 Chronic criterion: 17.2 ug/l
07090007-005/off unnamed tributary Lawson Creek to Green River	
07120003-003/off North Branch Chicago River	
07120003-003/off west Branch of North Branch Chicago River	
07120003-003/off drainage to Skokie River (2 times)	
07120003-006/off Little Calumet River	
07120003-008/off Cal Sag Channel	
07120003-008/off Stony Creek	
07120004-010/off drainage to Salt Creek	
07120004-011/off Buffalo Creek to DesPlaines River	
07120004-011/off Diamond Lake	
07120004-016/off West branch Meacham Creek to Salt Creek	
07120005-012/on Illinois River	
07120005-012/off Aux Sable Creek	
07120006-001/off Poplar Creek	
07130001-028/off Pecumasaugan Creek to Illinois River	
07130004-004/off Money Creek into Mackinaw River	
07130006-016/off Drummer Creek	
07140201-002/on Kaekaskia River	
07140202-002/off Turkey Creek	

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Chemical: Fluoranthene Human health criterion (HHC): 120 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies:	CAS #206-44-0
Not used during this period.	
Chemical: Hexachlorobenzene Human health criterion (HHC): 0.00025 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies:	CAS #118-74-1
07120004-010/off drainage to DesPlaines River	
07120005-012/on Illinois River	
07120005-012/off Aux Sable Creek	
Chemical: Hexachlorobutadiene Acute criterion: 34.5 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies:	CAS #87-68-3 Chronic criterion: 2.76 ug/l
07120004-010/off drainage to DesPlaines River	
07120005-012/on Illinois River	
07120005-012/off Aux Sable Creek	
Chemical: Hexachloroethane Acute criterion: 381 ug/l Human health criterion (HHC): 2.9 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies:	CAS #67-72-1 Chronic criterion: 30.5 ug/l
07120004-010/off drainage to DesPlaines River	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol Acute criterion: 434 mg/l Date criteria derived: December 1, 1993 Applicable waterbodies:	CAS #78-83-1 Chronic criterion: 34.8 mg/l
07090007-005/off unnamed tributary Lawson Creek to Green River	
Chemical: Methylene chloride Acute criterion: 17,200 ug/l Human health criterion (HHC): 340 ug/l Date criteria derived: January 21, 1992 Applicable waterbodies:	CAS #75-09-2 Chronic criterion: 1380 ug/l
07090007-005/off unnamed tributary Lawson Creek to Green River	
Chemical: Methyl ethyl ketone Acute criterion: 322,000 ug/l Date criteria derived: July 1, 1992 Applicable waterbodies:	CAS #78-93-3 Chronic criterion: 26,000 ug/l
07090007-005/off unnamed tributary Lawson Creek to Green River	

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Chemical: 4-methyl-2-pentanone Acute criterion: 46 mg/l Date criteria derived: January 13, 1992 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River	CAS #108-10-1 Chronic criterion: 3.68 mg/l
Chemical: Naphthalene Acute criterion: 670 ug/l Date criteria derived: November 7, 1991 Applicable waterbodies: Not used during this period.	CAS #91-20-3 Chronic criterion: 68 ug/l
Chemical: Nitrobenzene Acute criterion: 15.4 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992 Applicable waterbodies: 07120004-010/off drainage to DesPlaines River	CAS #98-95-3 Chronic criterion: 4.67 mg/l
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Date criteria derived: national criterion, September 1986 Applicable waterbodies: Not used during this period.	Chronic criterion: 13 ug/l
Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: 07120005-012/on Illinois River	CAS #85-01-8 Chronic criterion: 3.7 ug/l
Chemical: Pyrene Human health criterion (HTC): 3,500 ug/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	CAS #120-00-0
Chemical: Tetrachloroethylene Acute criterion: 1,220 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River	CAS #127-18-4 Chronic criterion: 152 ug/l
Chemical: Tetrahydrofuran Acute criterion: 216,000 ug/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17,300 ug/l

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Chemical: Toluene Acute criterion: 8,080 ug/l Date criteria derived: August 16, 1990, revised May 17, 1991 and January 26, 1993 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River 07120003-003/off North Branch Chicago River 07120003-003/off west branch of North Branch Chicago River 07120003-003/off drainage to Skokie River (2 times) 07120003-006/off Little Calumet River 07120003-008/off Cal Sag Channel 07120003-008/off Stony Creek 07120004-010/off drainage to Salt Creek 07120004-011/off Buffalo Creek to DesPlaines River 07120004-011/off Diamond Lake 07120004-016/off West branch Meacham Creek to Salt Creek 07120006-001/off Poplar Creek 07130001-028/off Pecumaugan Creek to Illinois River 07130004-004/off Money Creek into Mackinaw River 07130006-016/off Drummer Creek 07140201-002/on Kaakaskia River 07140202-002/off Turkey Creek	CAS #108-88-3 Chronic criterion: 646 ug/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 353 ug/l Date criteria derived: December 14, 1993 Applicable waterbodies: 07120005-012/on Illinois River 07120005-012/off Aux Sable Creek 07120004-010/off drainage to DesPlaines River	CAS #120-82-1 Chronic criterion: 69.2 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,910 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River 07120004-010/off drainage to DesPlaines River	CAS #71-55-6 Chronic criterion: 393 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19,000 ug/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993 Applicable waterbodies: 07120004-010/off drainage to DesPlaines River	CAS #78-00-5 Chronic criterion: 3,540 ug/l
Chemical: Trichloroethylene Acute criterion: 11,700 ug/l Date criteria derived: October 23, 1992 Applicable waterbodies: 07090007-005/off unnamed tributary Lawson Creek to Green River	CAS #79-01-6 Chronic criterion: 940 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Xylenes	CAS # 1330-20-7
Acute criterion: 1,500 ug/l	Chronic criterion: 117 ug/l
Date criteria derived: August 23, 1990	
Applicable waterbodies:	
07090007-005/off	unnamed tributary Lawson Creek to Green River
07120003-003/off	North Branch Chicago River
07120003-003/off	West branch of North Branch Chicago River
07120003-003/off	drainage to Skokie River (2 times)
07120003-006/off	Little Calumet River
07120003-008/off	Cal Sag Channel
07120003-008/off	Stony Creek
07120004-010/off	drainage to Salt Creek
07120004-011/off	Buffalo Creek to DesPlaines River
07120004-011/off	Diamond Lake
07120004-016/off	West branch Meacham Creek to Salt Creek
07120006-001/off	Poplar Creek
07130001-028/off	Pecumsaugan Creek to Illinois River
07130004-004/off	Money Creek into Mackinaw River
07130006-016/off	Drummer Creek
07140201-002/on	Kaskaskia River
07140202-002/off	Turkey Creek

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDINGROOM A-1
SPRINGFIELD, ILLINOIS

10:00 A.M.

JANUARY 11, 1994

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

AGENDA**I. Approval of December 14, 1993 Minutes****II. Review of Proposed Agency Rulemaking**Conservation

1. Camping on Department of Conservation Properties (17 Ill Adm Code 130)
 - First Notice Published: 17 Ill Reg 18721 - 10/29/93
 - Expiration of Second Notice Period: 1/29/94
2. The Taking of Wild Turkeys - Spring Season (17 Ill Adm Code 710)
 - First Notice Published: 17 Ill Reg 18927- 11/5/93
 - Expiration of Second Notice Period: 2/4/94
3. Illinois List of Endangered and Threatened Fauna (17 Ill Adm Code 1010)
 - First Notice Published: 17 Ill Reg 16273 - 10/8/93
 - Expiration of Second Notice Period: 1/14/94
4. Illinois List of Endangered and Threatened Flora (17 Ill Adm Code 1050)
 - First Notice Published: 17 Ill Reg 16285 - 10/8/93
 - Expiration of Second Notice Period: 1/14/94

5. Management of Nature Preserves (17 Ill Adm Code 4000)
-First Notice Published: 17 Ill Reg 12005 - 7/30/93
-Expiration of Second Notice Period: 1/14/94

Corrections

6. School District #428 (20 Ill Adm Code 405)
-First Notice Published: 17 Ill Reg 19405 - 11/12/93
-Expiration of Second Notice Period: 2/10/94
7. Assignment of Committed Persons (20 Ill Adm Code 420)
-First Notice Published: 17 Ill Reg 19367 - 11/12/93
-Expiration of Second Notice Period: 2/10/94
8. Records of Committed Persons (20 Ill Adm Code 107)
-First Notice Published: 17 Ill Reg 19377 - 11/12/93
-Expiration of Second Notice Period: 2/10/94
9. Impact Incarceration Program (20 Ill Adm Code 460)
-First Notice Published: 17 Ill Reg 19371 - 11/12/93
-Expiration of Second Notice Period: 2/10/94

Health Care Cost Containment Council

10. Data Collection (77 Ill Adm Code 2510)
-First Notice Published: 17 Ill Reg 18944 - 11/5/93
-Expiration of Second Notice Period: 2/2/94
11. Hospital Price Information (77 Ill Adm Code 2530)
-First Notice Published: 17 Ill Reg 19007 - 11/5/93
-Expiration of Second Notice Period: 2/2/94

Health Facilities Planning Board

12. Narrative and Planning Policies (77 Ill Adm Code 1100)
-First Notice Published: 17 Ill Reg 12606 - 8/6/93
-Expiration of Second Notice Period: 2/4/94
13. Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110)
-First Notice Published: 17 Ill Reg 12593 - 8/6/93
-Expiration of Second Notice Period: 2/4/94

Housing Development Authority

14. Multifamily Rental Housing Mortgage Loan Program (47 Ill Adm Code 310)
-First Notice Published: 17 Ill Reg 13659 - 8/20/93
-Expiration of Second Notice Period: 2/4/94

Insurance

15. Corrective Orders (50 Ill Adm Code 1250)
-First Notice Published: 17 Ill Reg 3985 - 4/2/93
-Expiration of Second Notice Period: 1/19/94
16. Long-Term Care Insurance (50 Ill Adm Code 2012)
-First Notice Published: 17 Ill Reg 11279 - 7/23/93
-Expiration of Second Notice Period: 1/21/94
17. Requirements (50 Ill Adm Code 6201)
-First Notice Published: 17 Ill Reg 14073 - 9/3/93
-Expiration of Second Notice Period: 1/28/94

Nuclear Safety

18. Registration of Radioactive Materials, Radiation Machine, and Radiation Installations (32 Ill Adm Code 320)
-First Notice Published: 17 Ill Reg 8693 - 6/18/93
-Expiration of Second Notice Period: 1/14/94
19. Licensing of Radioactive Material (32 Ill Adm Code 330)
-First Notice Published: 17 Ill Reg 14417 - 9/10/93
-Expiration of Second Notice Period: 1/30/94

20. Licensing Requirements for Source Material Milling Facilities (32 Ill Adm Code 332)
-First Notice Published: 17 Ill Reg 10701 - 7/16/93
-Expiration of Second Notice Period: 1/14/94

21. Fees for Calibration Services (32 Ill Adm Code 333)
-First Notice Published: 17 Ill Reg 9797 - 7/2/93
-Expiration of Second Notice period: 1/14/94

22. Transportation of Radioactive Material (32 Ill Adm Code 341)
-First Notice Published: 17 Ill Reg 13933 - 8/27/93
-Expiration of Second Notice Period: 1/30/94

23. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (32 Ill Adm Code 351)
 - First Notice Published: 17 Ill Reg 8674 - 6/18/93
 - Expiration of Second Notice Period: 1/14/94
 24. Particle Accelerators (32 Ill Adm Code 390)
 - First Notice Published: 17 Ill Reg 8666 - 6/18/93
 - Expiration of Second Notice Period: 1/14/94
 25. Notices, Instructions and Reports to Workers; Inspections (32 Ill Adm Code 400)
 - First Notice Published: 17 Ill Reg 8655 - 6/18/93
 - Expiration of Second Notice Period: 1/14/94
 26. Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill Adm Code 505)
 - First Notice Published: 17 Ill Reg 15220 - 9/24/93
 - Expiration of Second Notice Period: 1/14/94
- Pollution Control Board
27. Water Use Designations and Site Specific Water Quality Standards (35 Ill Adm Code 303)
 - First Notice Published: 17 Ill Reg 16374 - 10/8/93
 - Expiration of Second Notice Period: 2/4/94
- Professional Regulation
28. Real Estate Appraiser Certification (68 Ill Adm Code 1455)
 - First Notice Published: 17 Ill Reg 16379 - 10/8/93
 - Expiration of Second Notice Period: 2/10/94
- Public Aid
29. Assistance Standards (89 Ill Adm Code 111)
 - First Notice Published: 17 Ill Reg 18764 - 10/29/93
 - Expiration of Second Notice Period: 1/30/94
 30. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)
 - First Notice Published: 17 Ill Reg 13380 - 8/13/93
 - Expiration of Second Notice Period: 1/30/94

31. Medical Assistance Programs (89 Ill Adm Code 120)
 - First Notice Published: 17 Ill Reg 13392 - 8/13/93
 - Expiration of Second Notice Period: 1/30/94
 32. Food Stamps (89 Ill Adm Code 121)
 - First Notice Published: 17 Ill Reg 14798 - 9/17/93
 - Expiration of Second Notice Period: 1/28/94
 33. Food Stamps (89 Ill Adm Code 121)
 - First Notice Published: 17 Ill Reg 18425 - 10/22/93
 - Expiration of Second Notice Period: 1/30/94
 34. Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)
 - First Notice Published: 17 Ill Reg 14803 - 9/17/93
 - Expiration of Second Notice Period: 2/2/94
- Public Health
35. Repeal of Minimum Qualifications for Personnel Employed by Local Health Departments Code (77 Ill Adm Code 600)
 - First Notice Published: 17 Ill Reg 14831 - 9/17/93
 - Expiration of Second Notice Period: 2/4/94
 36. Repeal of Local Health Departments Program Standards Code (77 Ill Adm Code 615)
 - First Notice Published: 17 Ill Reg 17741 - 10/15/93
 - Expiration of Second Notice Period: 2/4/94
- Racing Board
37. Medication (11 Ill Adm Code 509)
 - First Notice Published: 17 Ill Reg 17858 - 10/15/93
 - Expiration of Second Notice Period: 1/14/94
 38. Claiming Races (11 Ill Adm Code 510)
 - First Notice Published: 17 Ill Reg 15790 - 10/1/93
 - Expiration of Second Notice Period: 1/14/94
 39. Quarter Horse Racing (11 Ill Adm Code 1440)
 - First Notice Published: 17 Ill Reg 15799 - 10/1/93
 - Expiration of Second Notice Period: 1/14/94

Revenue

40. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 17 Ill Reg 17861 - 10/15/93
-Expiration of Second Notice Period: 1/21/94

Secretary of State

41. Uniform Commercial Code (14 Ill Adm Code 180)
-First Notice Published: 17 Ill Reg 18793 - 10/29/93
-Expiration of Second Notice Period: 1/29/94

State Universities Civil Service System

42. State Universities Civil Service System (80 Ill Adm Code 250)
-First Notice Published: 17 Ill Reg 18453 - 10/22/93
-Expiration of Second Notice Period: 2/4/94

Transportation

43. Use and Enjoyment of Rest Areas (92 Ill Adm Code 533)
-First Notice Published: 17 Ill Reg 18447 - 10/22/93
-Expiration of Second Notice Period: 1/28/94

III. Certification of No Objection to Proposed Rulemaking**IV. Review of Emergency and Peremptory Rulemakings**Central Management Services

44. Pay Plan (80 Ill Adm Code 310) (Emergency)
-Notice Published: 17 Ill Reg 21858 - 12/17/93

Commerce and Community Affairs

45. Illinois Small Business Development Program (14 Ill Adm Code 570) (Emergency)
-Notice Published: 17 Ill Reg 21087 - 12/3/93

46. Illinois Promotion Act Programs (14 Ill Adm Code 510) (Emergency)
-Notice Published: 17 Ill Reg 22096 - 12/27/93

Insurance

47. Prior Notification of Transactions (50 Ill Adm Code 854) (Emergency)
-Notice Published: 17 Ill Reg 21198 - 12/10/93
48. Prior Notification of Dividends on Common Stock and Other Distributions (50 Ill Adm Code 855) (Emergency)
-Notice Published: 17 Ill Reg 21869 - 12/17/93

Public Aid

49. Repeal of Developmental Disabilities Services (89 Ill Adm Code 144) (Emergency)
-Notice Published: 17 Ill Reg 22582 - 1/3/94

50. Repeal of Medical Payment (89 Ill Adm Code 140) (Emergency)
-Notice Published: 17 Ill Reg 22583 - 1/3/94

Revenue

51. Property Tax/Revenue Act of 1939 (86 Ill Adm Code 110) (Emergency)
-Notice Published: 17 Ill Reg 22584 - 1/3/94

V. Exempt RulemakingsPollution Control Board

52. Hazardous Waste Management System: General (35 Ill Adm Code 720)
-Proposed Date: 6/25/93
-Adopted Date: 11/22/93

53. Identification and Listing of Hazardous Waste (35 Ill Adm Code 721)
-Proposed Date: 6/25/93
-Adopted Date: 11/22/93

54. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 725)
-Proposed Date: 6/25/93
-Adopted Date: 11/22/93

55. Land Disposal Restrictions (35 Ill Adm Code 728)
-Proposed Date: 6/25/93
-Adopted Date: 11/22/93

56. RCRA Permit Program (35 Ill Adm Code 703)

-Proposed Date: 6/25/93

-Adopted Date: 11/22/93

57. Standards Applicable to Generators of Hazardous Waste (35 Ill Adm Code 722)

-Proposed Date: 6/25/93

-Adopted Date: 11/22/93

58. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 724)

-Proposed Date: 6/25/93

-Adopted Date: 11/22/93

59. Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill Adm Code 726)

-Proposed Date: 6/25/93

-Adopted Date: 11/22/93

60. Standards for the Management of Used Oil (35 Ill Adm Code 739)

-Proposed Date: 6/25/93

-Adopted Date: 11/22/93

VI. Expedited CorrectionCommerce Commission

61. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 21, 1993 through December 27, 1993, and have been scheduled for review by the Committee at its January 11, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/4/94	Department of Conservation, The Taking of Wild Turkeys - Spring Season (17 Ill Adm Code 710)	11/5/93 17 Ill Reg 18927	1/11/94
2/4/94	Illinois Housing Development Authority, Multifamily Rental Housing Mortgage Loan Program (47 Ill Adm Code 310)	8/20/93 17 Ill Reg 13659	1/11/94
2/4/94	State Universities Civil Service System, State Universities Civil Service System (80 Ill Adm Code 250)	10/22/93 17 Ill Reg 18453	1/11/94
2/4/94	Pollution Control Board, Water Use Designations and Site Specific Water Quality Standards (35 Ill Adm Code 303)	10/8/93 17 Ill Reg 16374	1/11/94
2/4/94	Department of Public Health/Health Facilities Planning Board, Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110)	8/6/93 17 Ill Reg 12593	1/11/94
2/4/93	Department of Public Health, Repeal of Minimum Qualifications for Personnel Employed by Local Health Departments Code (77 Ill Adm Code 600)	9/17/93 17 Ill Reg 14831	1/11/94
2/4/94	Department of Public Health/Health Facilities Planning Board, Narrative and Planning Policies (77 Ill Adm Code 1100)	8/6/93 17 Ill Reg 12606	1/11/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(Page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/4/94	Department of Public Health, Repeal of Local Health Departments Program Standards Code (77 Ill Adm Code 615)	10/15/93 17 Ill Reg 17741	1/11/94
2/10/94	Department of Corrections, School District #428 (20 Ill Adm Code 405)	11/12/93 17 Ill Reg 19405	1/11/94
2/10/94	Department of Corrections, Impact Incarceration Program (20 Ill Adm Code 460)	11/12/93 17 Ill Reg 19371	1/11/94
2/10/94	Department of Corrections, Assignment of Committed Persons (20 Ill Adm Code 420)	11/12/93 17 Ill Reg 19367	1/11/94
2/10/94	Department of Corrections, Records of Committed Persons (20 Ill Adm Code 107)	11/12/93 17 Ill Reg 19377	1/11/94
2/10/94	Department of Professional Regulation, Real Estate Appraiser Certification (68 Ill Adm Code 1455)	10/8/93 17 Ill Reg 16379	1/11/94

PROCLAMATION

93-553
FINANCIAL LITERACY FOR YOUTH MONTH

Whereas, it is estimated that more than \$93 billion will be spent by teens this year and teens have access to more than 3 million credit cards; and

Whereas, more than two-thirds of the nation's teens are concerned about their financial futures and high school seniors need to be prepared for many of the critical financial decisions they will make after they graduate; and

Whereas, nationally, for over a quarter of a century, many Americans have been challenged to save even four percent of their income--in contrast with the 10 percent recommended by the majority of financial planners; and

Whereas, the College for Financial Planning and the Cooperative Extension System-USDA are sponsoring "Financial Literacy for Youth" Month to encourage educational programs that give young people the financial tools they need to live balanced, responsible and rewarding lives; and

Whereas, this public awareness effort will help teens learn about the financial planning process and contribute to their personal financial stability and, consequently, contribute to the financial stability of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, do hereby proclaim January 1994 as FINANCIAL LITERACY FOR YOUTH MONTH in Illinois.

Issued by the Governor December 20, 1993.

Filed with the Secretary of State December 23, 1993.

INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 2017 Uniform Medical Claim and Billing (P-37)

POLLUTION CONTROL BOARD

35 Ill. Adm. Code 304 Effluent Standards (P-15223/93; A-267)

PROFESSIONAL REGULATIONS, DEPARTMENT OF

68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (RQ-21209/93; EC-312)

PUBLIC AID, DEPARTMENT OF

89 Ill. Adm. Code Rights and Responsibilities (P-15461/93; A-273)

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 250 Hospital Licensing Requirements (P-46)

77 Ill. Adm. Code 547 Regional Ambulance Services Code (P-95)

77 Ill. Adm. Code 420 Rules and Regulations to Carry Out Provisions of Titles XVIII and XIX of the Social Security Act Relating to Skilled Nursing and Intermediate Care Facilities (PR-103)

RACING BOARD, ILLINOIS

11 Ill. Adm. Code 206 Board Meetings (P-112)

11 Ill. Adm. Code 208 Charitable Funds (P-115)

11 Ill. Adm. Code 207 Executive Secretary (PR-124)

11 Ill. Adm. Code 204 Hearings and Enforcement Proceedings (P-126)

11 Ill. Adm. Code 433 Totalizer Operations (P-137)

SECRETARY OF STATE

92 Ill. Adm. Code 1060 Commercial Driver Training Schools (P-142)

TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 518 Relocation Assistance and Payments Program (P-12628/93; A-283)

PUBLIC INFORMATION

ENVIRONMENTAL PROTECTION AGENCY

Listing of Derived Water Criteria

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Meeting of January 11, 1994

SECOND NOTICES RECEIVED

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EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

99-553 Financial Literacy for Youth Month

ACTION CODES

A - Adopted Rule
AR - Adopted Repealer
P - Proposed Rule
PF - Prohibited Filing Order by JCAR*
PP - Peremptory or Court Ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR Objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR
O - JCAR Statement of Objections
O - Request for Correction
EC - Expedited Corrections

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 257 Cooperative Groundwater Protection Program (P-14288/93; A-205)

8 Ill. Adm. Code 125 Meat and Poultry Inspection Act (PP-304)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 310 Pay Plan (P-13657/93; A-227)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered or Threatened Species (P-1)

EDUCATION, STATE BOARD

23 Ill. Adm. Code 245 Urban Education Partnership Program (P-10131/93; A-237)

EMPLOYMENT SECURITY, DEPARTMENT OF

56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-17628/93; A-250)

56 Ill. Adm. Code 2760 Notices, Records, Reports (P-16319/93; A-261)

ENVIRONMENTAL PROTECTION AGENCY

35 Ill. Adm. Code 184 Licensing of Industrial Hygienists (P-4)

FIRE MARSHALL, OFFICE OF STATE

41 Ill. Adm. Code 200 Storage, Transportation, Sale and Use of Liquefied Petroleum Gases (P-22)

ILLINOIS REGISTER
Volume 18, Issue #1 SECTIONS AFFECTED INDEX January 7, 1994

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 III. Adm. Code 465.05 was proposed last year and adopted this year. The action entry reads: (P-15655/92; A-4520). The codes are listed below.

TYPE OF RULE MAKING		ACTION CODE	
am = amend to existing Section		A = Adopted Rule	PF = Prohibited Filing
cc = codification changes		E = Emergency	S = Suspension
n = New section		P = Proposed Rule	O = JCAR Objection
r = repeal of existing Section		PP = Peremptory	F = Failure to Remedy Objections
re = recodified		M = Modification	Objection
# = renumbered		W = Withdrawal	RC = Recommendations
		CC = Codification Changes	EC = Expedited Correction
		RQ = Request for Correction	C = Correction

1994

TITLE 8

125.270	am	(PP-304)	204.110	am	(P-126)
257.10	n	(P-14288/93; A-205)	204.120	am	(P-126)
257.20	n	(P-14288/93; A-205)	204.130	am	(P-126)
257.30	n	(P-14288/93; A-205)	206.10	am	(P-112)
257.40	n	(P-14288/93; A-205)	206.20	am	(P-112)
257.50	n	(P-14288/93; A-205)	206.30	am	(P-112)
257.60	n	(P-14288/93; A-205)	207.40	r	(P-124)
257.70	n	(P-14288/93; A-205)	208.10	am	(P-115)
257.80	n	(P-14288/93; A-205)	208.20	am	(P-115)
257.90	n	(P-14288/93; A-205)	208.30	am	(P-115)
257.100	n	(P-14288/93; A-205)	208.40	am	(P-115)
			208.100	am	(P-115)
			208.110	am	(P-115)
			208.120	am	(P-115)
			433.45	am	(P-137)

TITLE 11

204.10	am	(P-126)
204.20	am	(P-126)
204.30	am	(P-126)
204.40	am	(P-126)
204.50	am	(P-126)
204.60	am	(P-126)
204.70	am	(P-126)
204.80	am	(P-126)
204.90	am	(P-126)
204.100	am	(P-126)

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245.70	n	(P-10131/93; A-237)	200.230	r	(P-22)
TITLE 35			200.240	r	(P-22)
304.213	am	(P-15223/93; A-267)	200.250	r	(P-22)
184.100	n	(P-4)	200.260	r	(P-22)
184.101	n	(P-4)	200.270	r	(P-22)
184.102	n	(P-4)	200.280	r	(P-22)
184.103	n	(P-4)	200.290	r	(P-22)
184.104	n	(P-4)	200.300	r	(P-22)
184.105	n	(P-4)	200.310	r	(P-22)
184.106	n	(P-4)	200.320	r	(P-22)
184.200	n	(P-4)	200.330	r	(P-22)
184.201	n	(P-4)	200.340	am	(P-22)

TITLE 50

2017.10	n	(P-37)
2017.20	n	(P-37)
2017.30	n	(P-37)
2017.40	n	(P-37)
2017.50	n	(P-37)
2017.60	n	(P-37)
2017.70	n	(P-37)

TITLE 56

2760.140	am	(P-16319/93; A-261)
2770.100	am	(P-17628/93; A-250)
2770.105	am	(P-17628/93; A-250)
2770.110	am	(P-17628/93; A-250)

TITLE 68

1285.80	am	(RQ-21209/93; EC-312)
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TITLE 77

250.110	am	(P-46)
250.120	am	(P-46)
250.315	am	(P-46)
250.450	am	(P-46)
250.1820	am	(P-46)
250.1830	am	(P-46)
250.2450	am	(P-46)
420.1	r	(P-103)
420.2	r	(P-103)
420.10	r	(P-103)
420.20	r	(P-103)
420.30	r	(P-103)
420.40	r	(P-103)
420.50	r	(P-103)
420.60	r	(P-103)
420.61	r	(P-103)

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ILLINOIS REGISTER
 VOLUME 18, ISSUE #1 SECTIONS AFFECTED INDEX January 7, 1994

547.100 n (P-95)
 547.200 n (P-95)
 547.300 n (P-95)
 547.400 n (P-95)
 547.500 n (P-95)
 547.600 n (P-95)
 547.700 n (P-95)

TITLE 80

310.495 am (P-13657/93; A-227)
 310.Ap.G n (P-13657/93; A-227)

TITLE 89

102.200 am (P-15461/93; A-273)
 102.210 am (P-15461/93; A-273)
 102.220 am (P-15461/93; A-273)
 102.230 am (P-15461/93; A-273)
 102.235 n (P-15461/93; A-273)
 102.240 am (P-15461/93; A-273)
 102.250 am (P-15461/93; A-273)

TITLE 92

518.20 am (P-12628/93; A-283)
 518.750 am (P-12628/93; A-283)
 1060.5 am (P-142)
 1060.10 am (P-142)
 1060.20 am (P-142)
 1060.30 am (P-142)
 1060.40 am (P-142)
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 1060.140 am (P-142)
 1060.150 am (P-142)
 1060.160 am (P-142)
 1060.170 am (P-142)
 1060.180 am (P-142)
 1060.190 am (P-142)
 1060.200 am (P-142)

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